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by

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**Contesting Mobility: Growers, Farm Workers, and U.S.-Mexico Border  
Enforcement During the Twentieth Century**

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**Contesting Mobility: Growers, Farm Workers, and U.S.-Mexico Border  
Enforcement During the Twentieth Century**

**by**

**Cristina Salinas, B.A.; M.A.**

**Dissertation**

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## **Dedication**

To my parents, Delia Becerra Salinas and Armando Salinas Jr., for their devotion to family and community.

To my husband, Marcel Rodriguez, for his boundless support and love.

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# **Contesting Mobility: Growers, Farm Workers, and U.S.-Mexico Border Enforcement During the Twentieth Century**

Cristina Salinas, PhD.

The University of Texas at Austin, 2011

Supervisors: Laurie B. Green, Emilio Zamora

This dissertation examines an important, but understudied period in Mexican-U.S. migration history during the 1940s and early 1950s. The joint introduction and sanctioning, by the U.S. and Mexican governments, of the bracero program also initiated a large illegal migration of agricultural workers to the United States. This was a period characterized by high levels of temporary legal migration and illegal migration, as well as intense levels of immigration enforcement. These simultaneous processes confound a simplistic view of U.S. history as a sequence of alternating periods of immigration expansion and restriction. U.S. immigration law and policy does not resemble a pendulum swinging first one way then the other; rather, both expansion and restriction characterized the 1940s and early 1950s. This study focuses on South Texas and El Paso, both border regions with dominant agricultural economies as well as a significant presence of Border Patrol officers. By focusing on these border regions, this dissertation examines the relationship between immigration laws and policy and the agricultural labor relations between growers and workers on the ground.

This dissertation is concerned with state formation on the U.S.-Mexico border, and its relationship with labor mobility. The process of state and border formation did not originate in the central seats of federal authority, Washington, D.C., and Mexico City, to

be applied and exerted on the furthest reaches of their territories. Growers and workers created, negotiated, and experienced and challenged the power and meaning of the border in the agricultural fields during daily interactions. Individual Border Patrolman made the border every day in the choices they made about where and where not to patrol, and which friendships to make and maintain. The border was simultaneously a federal and a local space. As the introductory anecdote suggested, the different sites of power were continually at work and intertwined. The Border Patrol did not have to be present to have an effect on the power dynamics in the moment. These interconnecting authorities, each shaping the other, and workers negotiations of such dynamics are what I term the social space of agriculture on the border. Growers often projected themselves in opposition to the Immigration and Naturalization Service (INS) and government intervention, arguing that it disrupted their access to Mexican laborers. In truth, the presence of the Border Patrol, and the threat of deportation the police force carried, was crucial in shaping the social space of agricultural production and securing growers' undocumented labor force.

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## Introduction

One warm early summer morning in the Rio Grande Valley during the late 1940s, a crew of Mexican agricultural workers toiled in farmer Carroll Norquest's fields picking cotton before the day's heat became too oppressive. The crew supervisor in this instance was Carroll Norquest's young teenage son Rikki.<sup>1</sup> Teresa, one of the workers, stood in the trailer to retrieve her cotton sack when she caught sight of a large black car, approaching along the road adjoining the field. Her experience of Border Patrol's methods made her instantly apprehensive and she raised an outcry to alert the rest of the workers that La Migra was near. In an instant, all the workers stopped their task and ran away as fast as they could, trying to avoid being caught by the Border Patrol's pursuit. Rikki soon realized that Teresa was mistaken about the car, but his shouts to the workers to return to the fields were too late—everyone had left. Rikki trudged home, the work done for the day.

A few days later, the entire crew had made their way back to the Norquest farm; some had returned the same day as the apparent near raid, but others had waited. Some of the workers had taken the opportunity to return to Mexico to "cool off," the elder Norquest later surmised. The workers "were all back on the job—well rested," Norquest later wrote, "including Teresa with a fresh red skirt over her jeans."<sup>2</sup> The crew was again picking cotton in the field, when Rikki spotted his cousin driving up the dirt road in the family's new maroon sedan. In a spirit of mischief, made possible by his greater power

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<sup>1</sup> This story is taken from Carroll Norquest's unpublished manuscript, "The Swarming of the Wetbacks," graciously shared by his son Kelly Norquest. In addition to his unpublished stories, Carroll Norquest also published a book of stories about agricultural life and work in South Texas during the mid-twentieth century, titled *Rio Grande Wetbacks: Mexican Migrant Workers* (Albuquerque: University of New Mexico Press, 1972).

<sup>2</sup> Carroll Norquest, "They Flushed Like Quail," in "The Swarming of the Wetbacks."

and privilege, Rikki decided to play a joke on the workers. “La Chota! Allí viene la Chota!” he cried while pointing at the oncoming car. The workers reacted immediately. Dropping their cotton sacks, some hid on their bellies amongst the plants, while others rushed out of the field. This time, the workers had not gone far before they noticed Rikki laughing at them and cheering. “They spent fifteen minutes yelling at Rikki—and Rikki razed them right back. No real harm done...and in retrospect, [they] had some fun.”<sup>3</sup>

In his writing, Carrol Norquest undoubtedly felt he was recalling an amusing memory of a teenager’s harmless prank. From another point of view, the incident encapsulates the ordinary violence that pervaded the daily life of agricultural workers along the U.S.-Mexico border in Texas. The combined power of growers and federal authorities forced workers to interrupt their routines, hide, and flee. Needed at one moment, scorned at others, workers moved back and forth across the U.S.-Mexico border subject to the power of growers, the U.S. government, and even mischievous white teenagers. Yet, the different times of workers’ return to the fields suggest that workers retained some control over their movements. Norquest’s story provides a small but vivid snapshot of the politics of mobility on the U.S.-Mexico border during the mid-twentieth century.

This dissertation examines an important, but understudied period in Mexican-U.S. migration history during the 1940s and early 1950s. The joint introduction and sanctioning, by the U.S. and Mexican governments, of the bracero program also initiated a large illegal migration of agricultural workers to the United States. This was a period characterized by high levels of temporary legal migration and illegal migration, as well as intense levels of immigration enforcement. These simultaneous processes confound a

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<sup>3</sup> Ibid.

simplistic view of U.S. history as a sequence of alternating periods of immigration expansion and restriction. U.S. immigration law and policy does not resemble a pendulum swinging first one way then the other; rather, *both* expansion and restriction characterized the 1940s and early 1950s. This study focuses on South Texas and El Paso, both border regions with dominant agricultural economies as well as a significant presence of Border Patrol officers.<sup>4</sup> By focusing on these border regions, this dissertation examines the relationship between immigration laws and policy and the agricultural labor relations between growers and workers on the ground.

This dissertation is concerned with state formation on the U.S.-Mexico border, and its relationship with labor mobility. The process of state and border formation did not originate in the central seats of federal authority, Washington, D.C., and Mexico City, to be applied and exerted on the furthest reaches of their territories. Growers and workers created, negotiated, and experienced and challenged the power and meaning of the border in the agricultural fields during daily interactions. Individual Border Patrolman made the border every day in the choices they made about where and where not to patrol, and which friendships to make and maintain. The border was simultaneously a federal and a local space. As the introductory anecdote suggested, the different sites of power were continually at work and intertwined. The Border Patrol did not have to be present to have an effect on the power dynamics in the moment. These interconnecting authorities, each shaping the other, and workers' negotiations of such dynamics are what I term the social space of agriculture on the border. Growers often projected themselves in opposition to the Immigration and Naturalization Service (INS) and government intervention, arguing that it disrupted their access to Mexican laborers. In truth, the presence of the Border

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<sup>4</sup> The Border Patrol was the enforcement body of the Immigration and Naturalization Service charged with policing the border.

Patrol, and the threat of deportation the police force carried, was crucial in shaping the social space of agricultural production and securing growers' undocumented labor force.

(Im)migration has held an important place in the histories of the Mexican American experience.<sup>5</sup> Most works that have dealt with Mexican American community and identity formation, racialization, political organizing, and labor history have addressed the question of continued migration from Mexico to the United States directly.<sup>6</sup> Scholars have long argued about the inappropriateness of applying the classic assimilative narrative of American immigration history to the history of Mexican migration to the United States.<sup>7</sup> Many factors militated against Mexicans' easy

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<sup>5</sup> I use this formation to link two concepts, immigration and migration, that are very often thought about distinctly and separately. Migration has often been used to refer to movement within the borders of a nation-state, while immigration and emigration denoted movement across international borders. While not wanting to lose the distinction of the power of the nation state to create and enforce these different categories of mobility, my work seeks to disrupt those conceptual boundaries and think of them in tandem. In the dissertation, I most often use the word migration to refer to workers' movements, across international and internal borders.

<sup>6</sup> For a few examples of the centrality of the politics of immigration to scholars' analyses in Mexican American history, consider these important works. To understand the culturally regenerative effects of immigration on Mexican American community formation, as well as the ways in which nativity and citizenship status became places of fissure in Mexican American political organizing, see David Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995). In George J. Sanchez's history of Mexican American Los Angeles, he identifies the repatriation campaigns of the 1930s as an important turning point in the transformation of a Mexican-identified community to a Mexican American cultural and political identification. George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945* (New York: Oxford University Press, 1995). In Vicki Ruiz's history of Mexican American women, Mexican women's experiences crossing the U.S.-Mexico border and negotiating Progressive-era Americanization programs often aimed at women exemplified their resilience and adaptive resources. Vicki Ruiz, *From Out of the Shadows: Mexican Women in Twentieth-Century America* (New York: Oxford University Press, 2008).

<sup>7</sup> Oscar Handlin is the exemplar of the assimilation argument. See Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations that Made the American People* (Boston: Little, Brown, and Co., 1951). Of course the field of European migration history has changed a great deal over the years, rejecting the assimilationist model, such as with John Bodnar, *The Transplanted: History of Immigrants in Urban America* (Bloomington: Indiana University Press, 1985), and then reassessing assimilation from a critical perspective, with the very influential whiteness studies. For a good historiography of the concept of assimilation see Russell A. Kazal,

incorporation into U.S. society—from racist views of Mexicans dating back to the Mexican American War, the discrimination that relegated Mexicans to places of social marginalization throughout the twentieth century, as well as the continued migration from Mexico, leading to perceptions among the U.S. public of a permanently immigrant Mexican community. And while scholars noted these barriers to upward social mobility in the United States, and criticized the assimilation narrative of U.S. immigration history for providing a false, teleological and Eurocentric view of immigrants' experiences, they in turn have been critiqued recently for being too focused on the United States. In addition to the valuable critiques of the assimilation model put forth by scholars of Mexican migration, new works have expanded the complex terrain of Mexican immigration history by examining migration from a bi-national perspective, and/or by reversing the traditional direction of these studies to examine migrations and travels from the U.S. to Mexico.<sup>8</sup>

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"Revisiting Assimilation: The Rise, Fall, and Reappraisal of a Concept in American Ethnic History," *American Historical Review* 100:2 (April 1995), 437-471. Recent trends in Euro-American migration history reflect ideas guiding other fields of migration studies as well, such as transnationalism and concepts of diaspora.

<sup>8</sup> Recent works from Deborah Cohen and Ana Rosas on the bracero program have relied on research conducted in Mexico and the United States, and examined the effects of the bracero program on Mexican masculinity, and upon Mexican families in a transnational context, respectively. Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina Press, 2011). Ana Elizabeth Rosas, "Flexible Families: Bracero Families' Lives Across Cultures, Communities, and Countries, 1942-1964," (Ph.D. diss., University of Southern California, 2006). In an update of the internal colonial argument popular in Chicano studies during the 1970s, Gilbert Gonzalez examined Anglo American travel narratives about Mexico, which he coupled with growing U.S. economic dominance of Mexican industries during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. He argues Mexico became an economic colony of the United States, with the discourses created within the travel narratives constructing a cultural apparatus of empire, with consequences on Mexican migrants once they were in the United States. Gilbert Gonzalez, *Culture of Empire: American Writers, Mexico, and Mexican Immigrants, 1880-1930* (Austin: University of Texas Press, 2004).

My work closely examines the politics of workers' mobility and immobility, crosses back and forth between the United States and Mexico, considers the stakes both governments had in Mexican migration, as well as the social space created within these movements. By considering how each government had to respond to, and sought to control, workers' movements, this study also challenges a uni-directional reading of immigration history. Mexican migration affected, and was affected by, both countries at the same time.

The two most influential works in migration history in the past decade have employed comparative approaches to demonstrate the ways in which restriction, deciding who did not belong, characterized U.S. immigration policy as much or more so than admittance, or deciding who did belong. In her history of Chinese migration to the United States, Erika Lee argues for the centrality of Chinese restriction laws in creating the state apparatus of immigration enforcement so characteristic of the twentieth century.<sup>9</sup> I agree with her and other scholars who have pointed out that initial border policing at the U.S.-Mexico border was targeted toward keeping out Chinese migrants, thus disrupting essentialist notions of the U.S.-Mexico border as a political barrier used to separate only Mexicans from Americans. However, I caution against the implication that Mexican migrants were simply entangled in an enforcement regime meant for others. My work examines the ways in which border officials and law enforcement crafted strategies and modified immigration laws to respond specifically to the context of Mexican migration. Studying immigration law enforcement policy crafted at the U.S.-Mexico border to

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<sup>9</sup> Lee challenges the periodization that had located the advent of immigration restriction with the quota acts of 1924. Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003).

manage Mexican migration demonstrates the ways that immigration laws and enforcement created a context of simultaneous mobility and restriction.

Mae Ngai's comparative legal history of immigration during the first half of the twentieth century has been instrumental in showing the limits and contradictions in U.S. immigration policy. Far from the idealized image of the U.S. as a liberal democracy with a clearly defined and inclusive path from immigrant to citizen with the power to transform anyone in the world into American citizens, Ngai demonstrates how immigration laws instead created the illegal alien, an "impossible subject" that could best be understood as belonging to a "caste, unambiguously situated outside the boundaries of formal membership and social legitimacy."<sup>10</sup> While Ngai's work has been very valuable in understanding the legal construction and social meanings of the category of the illegal alien in the United States, my work questions the image of permanence and rigidity that the word caste implies. While the *category* of illegal alien has remained stable and exclusive in immigration law, the migrants themselves negotiated various statuses and categories, citizen and alien, in contexts that were sometimes very ambiguous. In one act of illegal crossing, for example, a Mexican migrant could assert his rights as a Mexican citizen, while entering into a status of illegal alien in the U.S., defined by precariousness and vulnerability.

Studies about the U.S.-Mexico border have generally fallen into two conceptual camps—those emphasizing the gradual hardening of border laws and infrastructure, and those emphasizing the continued movement of people, commodities, and ideas across the border.<sup>11</sup> These two different approaches to the power and influence of the nation state

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<sup>10</sup> Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 2.

<sup>11</sup> Examples of works emphasizing the growing power of the state and rigidity of the border are: Timothy Dunn, *The Militarization of the U.S.-Mexico Border, 1978-1992: Low Intensity Conflict*

on the border have shared one assumption: that harsher laws and border infrastructure signified a strong state establishing itself and asserting its power, while continued movements across borders, especially illegal movements undermined the power of the state and demonstrated its limits.<sup>12</sup> In addition, scholars have defined a temporal aspect to this dichotomy; that is, they have argued that the interconnectedness and fluidity of movement characterized the border during the late nineteenth and most of the twentieth century, and noted the transition to the militarization of the border and fragmented migration of the present day.<sup>13</sup> This work, however, sees the mobility within restriction, and thus no clear dichotomy regarding movement and state power.

Instead of viewing illegal migration solely as a challenge to the sovereignty of the nation-state, this study traces the ways in which workers' movements, and the U.S. and

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*Doctrine Comes Home* (Austin: CMAS Books, University of Texas Press, 1996); Joseph Nevins, *Operation Gatekeeper: The Rise of the “Illegal Alien” and the Making of the U.S.-Mexico Boundary* (New York: Routledge, 2002); Kelly Lytle Hernandez, *Migra!: A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010); and Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002). A group of works on state power and public health destabilize the location of the border, finding it in immigrant urban areas, but nonetheless emphasize the power of the government to mark immigrants as outsiders. See Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco’s Chinatown* (Berkeley: University of California Press, 2001); and Natalia Molina, *Fit to be Citizens? Public Health and Race in Los Angeles, 1879-1939* (Berkeley: University of California Press, 2006).

<sup>12</sup> Examples of works that highlight the complex processes of migration as resistances to the ordering power of the nation-state, contesting the line, are, Emma Pérez, *The Decolonial Imaginary: Writing Chicanas into History* (Bloomington: Indiana University Press, 1999); and Alicia Schmidt Camacho, *Migrant Imaginaries: Latino Cultural Politics in the U.S.-Mexico Borderlands* (NY: New York University Press, 2008). While these works view migrations as forms of resisting and undermining the border, they do not discount the power and importance of the border as a force.

<sup>13</sup> One exception to this view are scholars of late capitalist globalization, who have pointed to the supranational power of corporations, beyond the bounds of accountability of the nation state, as well as, global information networks like the internet, also transcending national boundaries. See Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (NY: Columbia University Press, 1996). See also, Manfred B. Steger, ed., *Globalization: The Greatest Hits, A Studies Reader* (Boulder: Paradigm Publishers, 2010).

Mexican governments' responses to them, both forged as well as challenged, state power. In the case of the U.S., the border represented an important site for the concentration of federal authority, especially in matters over international migration. Immigration issues rested within the almost exclusive authority of the executive branch of the U.S. national government, since most decisions were handled administratively, without judicial reviews or constraints.<sup>14</sup>

Although this authority informed the U.S. government's strategies of interdiction, the barring the entrance of goods and people at the border, state authority was not based on interdiction, but in the management of people's mobility. For the United States, managing illegal mobility at the border did not always mean stopping its entrance. During times of contestation between Mexican and U.S. officials over the migration of Mexican workers to the United States, the U.S. sometimes found that a demonstration of Mexicans' unregulated mobility undermined the Mexican government's position in labor negotiations.

If managing Mexican migration formed a key site for U.S. state formation, its importance for Mexican state formation was even greater. Scholars have increasingly begun to study the history of Mexican emigration laws.<sup>15</sup> Those works, as well as the works detailing the Mexican government's continued reach in Mexicans' lives in the United States challenge the notion of a Mexican policy of non-intervention in Mexican migration.<sup>16</sup> Rather than explaining Mexico's interest in negotiating the bracero program

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<sup>14</sup> Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge: Harvard University Press, 2007).

<sup>15</sup> See David FitzGerald, "Inside the Sending State: The Politics of Mexican Emigration Control," *International Migration Review* 40 (Summer 2006), 259-93; and *A Nation of Emigrants: How Mexico Manages Its Migration* (Berkeley: University of California Press, 2009).

<sup>16</sup> For the presence and influence of Mexican consulates in U.S. Mexican communities see, Francisco E. Balderrama, *In Defense of la Raza: the Los Angeles Mexican Consulate and the Mexican Community, 1929 to 1939* (Tucson: University of Arizona Press, 1982); and Gilbert

as a mechanism to serve mainly as a safety valve for problems in the Mexican economic and political structure, this dissertation places issues of sovereignty in a more central role in Mexican emigration policies during the mid-twentieth century. Inspired by John Torpey's thesis that establishing a "monopoly of the legitimate means of movement" of people has been central to modern state formation, I argue that the concerns about maintaining a monopoly over the legitimate means of movement motivated the Mexican government regarding the emigration of its citizens to the United States.<sup>17</sup> My study of the ways that U.S. and Mexican federal and state governments responded to, and tried to manage workers' migrations provides insight into the multidirectional pressures of state power, mobility, and labor.

The history of the bracero program exemplifies the importance of examining the interconnectedness between local and national sources of authority in agricultural labor relationships. Responding to demands from California growers who feared a labor shortage in their fields because of the wartime draft and war-fueled industrial activities, U.S. government officials approached the Mexican government in 1941 to discuss a possible temporary labor importation program.<sup>18</sup> After initial reluctance, the Mexican government agreed to the bi-national program to provide seasonal workers for U.S. agricultural and railroad industries if the U.S. could guarantee a series of measures designed to protect Mexicans while they were in the U.S., and guarantee workers' return

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Gonzalez, *Mexican Consuls and Labor Organizing: Imperial Politics in the American Southwest* (Austin: University of Texas Press, 1999). For a work connecting Mexican American civil rights activists and the Mexican government during World War II, see Emilio Zamora, *Claiming Rights and Righting Wrongs in Texas: Mexican Workers and Job Politics during World War II* (College Station: Texas A&M University Press, 2009).

<sup>17</sup> John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge: Cambridge University Press, 2000).

<sup>18</sup> Otey Scruggs, *Braceros, "Wetbacks," and the Farm Labor Problem: Mexican Agricultural Labor in the United States, 1942-1954* (New York: Garland Publishing, 1988), 155-161.

to Mexico after the season's end. First, growers had to provide housing and food for workers, as well as access to medical care. Second, growers had to pay braceros the prevailing wage for agricultural labor in a given region, with a minimum wage guarantee of thirty cents per hour.<sup>19</sup> Third, the employer had to pay the cost of workers' transportation to and from Mexican recruitment centers. And finally, the Mexican government stipulated that no racial discrimination against braceros would be tolerated.<sup>20</sup> To demonstrate their resolve on this issue, Mexican officials refused to allow growers in the state of Texas to participate in the bracero program until 1947, because of the state's long history of discrimination against people of Mexican descent.

Scholars of the bracero program have divided its twenty-two year span (1942-1964) into three phases, defined by shifting power dynamics between the different groups involved—the U.S. government, the Mexican government, and growers. For their part, although Mexican workers did not have enough political clout to have a place at the negotiating table, workers' migrations had a powerful influence on the governments' negotiating power within the program. The first phase was the wartime bracero program, (1942-1947), characterized by a relatively strong position by the Mexican government because of its key role as a wartime ally of the U. S. During this period, the U.S. government also played an active role in the administration of the bracero program, shouldering much of the costs of transporting workers to and from Mexico.<sup>21</sup> The second

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<sup>19</sup> The stipulation of paying the prevailing wage was meant to address the Mexican government's determination that braceros should not be used to displace domestic agricultural workers and depress wages. Also, the minimum wage rate of thirty cents per hour was a feature of the original bracero agreement of 1942. This minimum wage guarantee changed over time during subsequent bracero negotiations.

<sup>20</sup> For a list of all the elements of the 1942 bracero agreement, see Scruggs, *Braceros, "Wetbacks," and the Farm Labor Problem*, 178-179.

<sup>21</sup> Richard Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin: University of Texas Press, 1971), 36-52.

phase of the program (1948-1951) was characterized by a diminution in the Mexican government's negotiating power, as the increasing illegal migration of Mexican workers undermined the Mexican government's attempt to control the emigration of its citizens. The U.S. government stepped back from its active administration of the bracero program.<sup>22</sup> U.S. growers assumed more visible roles, forcing the Mexican government to deal with them directly.<sup>23</sup> This period, often thought of as chaotic and tumultuous, brought to the surface the complex dynamics of local and national authorities that were always intertwined, but sometimes hidden. The third phase of the bracero program (1951-1964) began with the passage of Public Law 78 in the U.S., which instituted the labor importation program as a permanent part of U.S. law. This phase signaled the U.S. government's re-intervention in the program, and its pledge to enforce the elements of the agreement.<sup>24</sup>

## METHODOLOGY AND THEORETICAL FRAMEWORK

Movement and the control over workers' movement was fundamental to many of the social processes on the border, from immigration law enforcement to agricultural labor relations. Yet mobility at the border was much more complex and nuanced than merely prohibiting or permitting entrance. Henri Lefebvre's concept of using rhythm as a category of analysis illuminates the collision of circular and linear notions of time and movement in workers' migrations and border formation.<sup>25</sup> One notion of time and

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<sup>22</sup> This dissertation will show, however, that U.S. governmental action did not cease to be influential during this period.

<sup>23</sup> Craig, *Bracero Program*, 53-55.

<sup>24</sup> Ibid., 72. Of course critics of the bracero program pointed out the government's deficiencies in its oversight of the bracero program.

<sup>25</sup> Henri Lefebvre, *Rhythmanalysis: Space, Time, and Everyday Life*, translated by Stuart Elden and Gerald Moore (London: Continuum, 2004).

movement, circular, is often associated with the organic processes of nature; think of seasons for example. Another notion of time and movement, linear, is associated with human construction; such as the “march of progress” or history. This dissertation considers the connection between the two notions of time in the experiences of Mexican agricultural migrants, both in the larger legal structures of the border, but also in the daily, lived experiences of workers. But the two aspects of time do not connect smoothly as Lefebvre notes:

The relations of the cyclical and the linear—interactions, interferences, the domination of one over the other, or the rebellion of one against the other—are not simple: there is between them an antagonistic unity. They penetrate one another, but in an interminable struggle: sometimes compromise, sometimes disruption.<sup>26</sup>

For instance, many migrants from Mexico came to the U.S. to work as agricultural laborers. Growers’ demands for labor were cyclical, patterned by the rhythms of the seasonal calendar. Yet, even though Mexican migrants responded to the fluctuating labor conditions of a seasonal industry, their movements were racialized as instinctual, and they were defined as if they were homing pigeons. Thus, Mexican migrants’ circular migrations were attributed to their perceived proclivities, and not to the economic realities of the agricultural industry, nor to the INS’s law enforcement activities.

Furthermore, though the demands of agricultural industries were cyclical in nature, immigration laws were constructed in a linear fashion. In general, the U.S. constructed immigration laws based on the expectation of permanency and eventual

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<sup>26</sup> Lefebvre, 76.

naturalization.<sup>27</sup> The U.S. assigned visas on the basis of which migrants the government deemed worthy to become U.S. citizens, a very narrow category. The exceptions to this linear approach to immigration laws existed at both land borders, with border crossing cards that permitted people to cross into the U.S. daily for work. Through their enforcement methods, Border Patrol officers used a flexible method of deportation in voluntary departure to manage a seasonal demand for labor in Southwestern agricultural region, thereby using deportation to create a process of circularity within a linear system of immigration.

In order to explore the interconnections between the state and everyday life on the border in the social space of agriculture, I studied diverse sources. In the national archives in Washington, D.C. and the archives of the Secretaría de Relaciones Exteriores (SRE) in Mexico City, I saw both governments struggling to maintain control over the bi-national labor importation program, and respond to conflicting agendas and interests of their constituents. The archival collections of two South Texas growers proved useful in getting at the day-to-day workings of large farming operations, as well as the dense network of relationships between growers in South Texas and El Paso, and their relationships to power in Washington, D.C. Carroll Norquest's ethnographic anecdotes of Mexican workers, published in 1972, provided an intimate look at growers' identity formation in relation to workers, and details about daily life on a South Texas farm.

Though the book was rich source material, it created an image of agricultural relations and representations of Mexican workers only from his perspective as a farmer. I conducted oral histories with a former worker on the Norquest farm, and relatives of former workers, to create additional narratives that complicated Norquest's

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<sup>27</sup> Of course the U.S. did issue temporary visas for visitors, but those included strict instructions prohibiting or limiting the visa holders' ability to work in the U.S.

characterization of Mexican migration and social relations between him and workers. The circuitous manner by which I found some members of the Magallan family who worked for Norquest, exemplifies the extensive bi-national kinship networks that emerged as a central aspect of the family's story.<sup>28</sup>

## OUTLINE OF CHAPTERS

In Chapter One, “Selling the Magic Valley,” I trace the development of the agricultural industry in South Texas, analyzing the promotional brochures railroad and land companies produced to attract farmers from other regions in the U.S. to purchase land and move to the border. The materials recycled the 19th century idea of the frontier in a new time, weaving it with images of Progressive era capitalist expansion and modernity. Mexican labor was central to their plans for a modern agricultural economy, yet area boosters still cast Mexican laborers as pre-modern *peones*. I also examine the various demographic changes and migrations occurring in south Texas and northeastern Mexico, which made the development of a large-scale agricultural economy possible.

Chapter Two, “The Social Space of Agriculture,” explores the everyday social relations between Anglo growers and Mexican undocumented workers in South Texas, who lived and worked on farmers’ lands. The Border Patrol played an important role in shaping these relations by inhibiting workers’ mobility. This chapter draws upon the

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<sup>28</sup> In an interview with Carrol Norquest’s son, he told me the last name of the extended family that worked for the Norquests over the years, as well as the name of Rancho Grande, the small town they were from in Tamaulípas, but he did know about the current whereabouts of any of the members of the family. A friend who founded the Llano Grande Center for Research and Development, and who now teaches at the University of Texas Pan American uses family and community history in his pedagogical approach in training educators in South Texas. Because of this, he knew of a former student from the small town located across the river in Rancho Grande. She knew some members of a Magallan family in Granjeno, and through her I met Alberto Magallan who took me to Rancho Grande to interview Noe Magallan, a former worker on the Norquest farm.

history of paternalism within slavery in the ante-bellum South to gain insight into how growers in South Texas took advantage of workers' compromised mobility to construct images of their relations with workers as familial. Unequal and racialized agricultural relations defined in familial terms formed an important part of the history of agrarian system in the U.S. Agricultural relations in South Texas were *informed* by the cultural system of knowledge about agricultural workers produced in plantation slavery; they were not replicated in South Texas. I also examine the ways in which Mexican migrant workers negotiated the logic of paternalism expressed by some growers by nurturing and maintaining their own extensive kinship family networks.

Chapter Three, “The Flexible Border: Mobility within Restriction in U.S. Immigration Laws and Enforcement,” looks at U.S. immigration laws and INS law enforcement practices during the first half of the twentieth century. I argue that even during a period of increased restriction U.S. laws allowed for the migration of Mexican laborers, but within temporary and limited parameters. Immigration law enforcement through the deportation method of voluntary departure became the primary method the U.S. government used to manage Mexican migration. Voluntary departure, which provided an easier and less punitive alternative to formal deportation, allowed for the movement of laborers, but not their legitimization. This chapter looks at the ways in which growers contested the Border Patrol’s reach on the ground in El Paso and South Texas. The dynamics of that struggle also shaped Border Patrol enforcement practices, which represented intertwined local and federal authority on the border.

Chapter Four, “Exploitative Villain or Community Leader?” considers the role of the crew leader in the South Texas agricultural system. Often, crew leaders were either Mexican American or long-term Mexican residents of the U.S., former farm workers who had accrued enough capital to buy a truck to transport workers and crops, and their work

crews were either predominantly Mexican American or a mix of Mexican Americans and Mexican nationals. Acting as intermediaries between farm owners and workers, crew leaders organized groups of farm workers, found work and negotiated wages with farmers, provided transportation to the fields, and if the work was required long distance travel, found housing for workers during the season. In the name of maximizing the efficiency of the Texas agricultural labor market, Texas labor officials used laws regulating labor agencies to also target crew leaders, seeking to keep Mexican American migrant farm workers from leaving the state. Focusing on Mexican American farm workers in the context of this dissertation shows the collateral effects of border laws and policies on a mobile Mexican American population. Looking at the vilification of crew leaders in the context of both Mexican American migrant farm work and the undocumented labor system employed along the border, demonstrates the centrality of the control over Mexican (and Mexican American) workers' mobility to the agendas of state and national governments on both sides of the border.

The final chapter of the dissertation, “*El Paso/The Passage: The 1948 El Paso Incident and the Politics of Mobility*” picks up on the dissertation’s international approach to the politics of the border by examining how the U.S. and Mexican governments tried to manage Mexican workers’ mobility. The two governments vied with each other to maintain control over the bracero program and the border itself. The El Paso Incident resulted from that struggle, and the politics of the El Paso Incident strengthened the U.S. government’s authority at the border at the Mexican government’s expense.

## A NOTE ON TERMS

In this dissertation I mainly used “undocumented” or “unauthorized” migrant when referring to people who crossed the border into the U.S. without permission. I used the terms “illegal immigrant,” “illegal alien,” or “illegal migration,” only when I was trying to draw attention to the person’s legal status, or when the fact of the worker’s illegality was significant in the sentence. When I included quotes I retained the original language used in the quote. Frequently that meant I had to use the word “wetback,” despite its racist and offensive connotations, because the word was in common usage during the mid-twentieth century.

At certain points in my dissertation I carefully distinguish between Mexican nationals and Mexican Americans, and sometimes I do not, which can seem confusing. In Chapter One, I do not distinguish between the two, referring to both as Mexicans. (They would have referred to themselves as *mexicanos*.) I begin to distinguish between Mexicans and Mexican Americans from Chapter Two on, because the growing presence of the Border Patrol makes the distinction necessary for my argument.

The complex intricacies of power at the border during the mid-twentieth century, with two states vying for control over workers’ mobility would suggest a picture of the border as a space of dynamic and dramatic change. Growers’ own assertion of power over workers’ movements, which paradoxically relied upon, yet also came into conflict with U.S. federal authority also deepened the complexity, further suggesting a state of change as different groups acquired greater power at different times. Underlying all the change, however, is an element of continuity that links this period on the border to others during the twentieth century and to the present day as well. The U.S. government has long considered Mexican migrants to the U.S. as temporary sojourners within a system of immigration ideologically based on permanency and assimilation. That contradiction

created the problem of what to do with a permanent population of Mexicans who were never meant to be permanent in the first place. In the present day, whatever their political affiliation, observers agree that the U.S. immigration system is broken. As the histories of immigrant Mexicans and other non-white minorities demonstrate, it has always been so.

## **Chapter One: Selling the ‘Magic Valley’: Promotional Brochures and Narratives of Migration in Early Twentieth Century South Texas**

South Texas underwent great physical and social transformation during the first few decades of the twentieth century in a painful transition from a cattle ranching economy to large-scale agricultural production. Historians have written extensively about this shift, which destabilized existing race and class relations among Mexicans in South Texas and reconfigured divisions of race and class between Anglos and Mexicans.<sup>29</sup> Less has been written about the cultural apparatus that supported and mobilized the migration of farming families from the Midwest, the Great Plains states, and the South during the early twentieth century. Promotional brochures produced by land and railroad companies during the 1920s and 1930s, employed images and invoked cultural systems of the frontier and modernity to create a unitary view of the region that supported the companies’ social and economic agendas. Both the physical process of altering the landscape—from laying irrigation infrastructure for citrus orchards to building the railroads to carry the product to market—and the advertisements created to promote the area to potential buyers from the U.S. Midwest and South worked together to claim the border as modern and American from a perceived Mexican undeveloped wilderness. This chapter studies the various tropes land companies employed to sell the Rio Grande Valley as well as the mechanisms they used to physically bring visitors to visit a region they termed the “Magic Valley.” Taking advantage of the railroad as a symbol of

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<sup>29</sup> I use Anglo and white as interchangeable categories. These two terms, like all racial categories are socially constructed, therefore have a historical genealogy. However, despite the term’s association with an Anglo Saxon racial identity originating in the British Isles, in Texas the word Anglo was used as a catchall term to refer to white people. For more on the origins of Anglo-Saxon identity, see Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1981.)

modernization, and working with the railroad industry's equal commitment to the agricultural development of the area, land companies designed lavish three-day excursions to attract people to South Texas.



Fig. 1.1 Detail from Sales Packet, "Now! A Sharyland Citrus Grove Within Reach of All," Publications, Box 1, John H. Shary Collection, Library Archives and Special Collection, University of Texas-Pan American, Edinburg, TX.

This illustration (fig. 1.1), from a Southwestern Land Company's pamphlet aimed at absentee investors, encapsulates the notion that social relations formed in the border region in South Texas had a greater reach than its geographical boundaries. As the gentleman in this picture relaxed on his front porch, feet propped up on an ottoman, reading with a drink by his side, he could luxuriate in the knowledge that the work taking place on his investment property gave him the means to work less and enjoy his leisure time. The man's geographical location is ambiguous, but his business suit suggests an urban or suburban rather than a rural context. In this image, all distance between his

home and the U.S.-Mexico border has collapsed, and the Mexican workers are working in his front yard. Far from being a remote, potentially dangerous or threatening place, the border has become a domestic and productive space populated with industrious Mexicans whose labor supported American prosperity.

The interactions between land companies and potential buyers, in producing and consuming the messages in the promotional literature, and in traveling on excursions, together engaged in the process of defining the region from a Mexican to a U.S. space. For those men and women who took the next steps and purchased land and moved with their families to South Texas, the processes of journeying to South Texas on the excursions to see the land, the people, and the economic possibilities, formed the first stage of their transformation into border growers.

## **MIGRATION AND SOCIAL CHANGE IN SOUTH TEXAS AND NORTHERN MEXICO**

Scholars writing about South Texas have characterized the region as a previously isolated, self-contained, and somewhat static social world, disrupted by two periods of transformation, one directly after the Mexican American War in 1848, and the other more profound change at the beginning of the twentieth century with the change from a cattle ranching to a crop-based agricultural economy.<sup>30</sup> Notwithstanding the significance of these developments, dramatic changes also occurred in northern Mexico during President Porfirio Diaz's regime (1877-1911) that also affected South Texas. Railroad construction and the development of large-scale industries in northern Mexico spurred a greater

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<sup>30</sup> For this view, see Jovita González, *Life Along the Border*, edited by María E. Cotera (College Station: Texas A&M University Press, 2006); Américo Paredes, *With His Pistol in His Hand: A Border Ballad and its Hero* (Austin: University of Texas Press, 1958); David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987).

amount of internal migration in the region. Though agricultural industry boosters initiated deep changes in the economy, society, and culture in South Texas, they did not create an agricultural empire out of the wilderness, as they were wont to suggest. The Porfirian-era modernization projects induced demographic change in northern Mexico, creating the mobile labor force crucial to South Texas agriculturalists' development plans.<sup>31</sup>

Traditionally, power in northern Mexican region during the nineteenth century inhered in the social space of the cattle ranch, which formed the basis of the economy and also organized the social and religious lives of its inhabitants. The patriarch of each ranch community held authority over his dependents—his wife, children, and the laborers who lived on the ranch, the latter bound to the land by debt peonage.<sup>32</sup> The first period of transformation began after the Mexican American War and the region's legal incorporation into the United States, and continued through the latter part of the nineteenth century. The intermittent, yet frequent mobilization of American military troops to the South Texas-Mexico border during these years left a residual presence of former soldiers and support staff who stayed in the region, married into local elite Mexican families, became merchants and cattle ranchers, and began to take dominant positions in the local economic, social, and political structure.

Though some amassed large ranches at the expense of Mexican landowners, and often through violence and intimidation, some scholars have argued that the presence of

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<sup>31</sup> To understand more about economic, social, and demographic changes brought about by Porfirio Diaz's policies, as well as the role of U.S. capital in the development of northern Mexican industries, see John Mason Hart, *Empire and Revolution: The Americans in Mexico Since the Civil War* (Berkeley: University of California Press, 2002). For a work that links the U.S. dominance of northern Mexican industries and the creation of an imperialist discourse about Mexicans produced in U.S. travel writing to the displacement and racialization of working-class Mexicans, see Gilbert Gonzalez, *Culture of Empire: American Writers, Mexico, and Mexican Immigrants, 1880-1930* (Austin: University of Texas Press, 2004).

<sup>32</sup> Jovita González, 76-78.

Anglos did not fundamentally change cultural and social life in South Texas. Cattle ranching still dominated the economy, though now integrated into a larger U.S. marketplace, instead of the regional Mexican market the ranches had previously served. Patriarchs still dominated familial dependents and laborers, though now the ranch patriarch might have an English or Irish last name.<sup>33</sup> Furthermore, because many Anglo men had married into elite Mexican families to establish themselves socially and economically, these alliances preserved the Spanish language, the Catholic religion, and the prevailing social class structure as the dominant cultural forms in the region.

Historian David Montejano has described the attempts by the Mexican elite seeking to keep their power and accommodate into a new political reality, as the “peace structure.”<sup>34</sup> The peace structure, however, did not actually promote peace. Periods of violence and unrest punctured the region as some American newcomers consolidated their power through the paramilitary force of the Texas Rangers. Others placed pressure on the newly formed boundaries of the U.S.-Mexico border through armed incursions into Mexico, called filibusters. Furthermore, tensions escalated as some Mexican border residents struggled against these changes through armed resistance.<sup>35</sup>

A second profound transformation of South Texas occurred in the early twentieth century, after the coming of the railroad dramatically changed the region’s economy,

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<sup>33</sup> Montejano, 75-85.

<sup>34</sup> Ibid., 34-37. For a work that argues for a more economically aggressive and successful tenure by Tejanos in South Texas during the latter nineteenth century see, Armando C. Alonzo, *Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900* (Albuquerque: University of New Mexico Press, 1998).

<sup>35</sup> For works that explore both Anglo violence against Mexicans during the nineteenth century as well as Mexican armed resistance to social changes occurring in South Texas and throughout the Southwest see, Robert Rosenbaum, *Mexicano Resistance in the Southwest* (Dallas: Southern Methodist University Press, 1998); and Manuel Callahan, “Mexican Border Troubles: Social War, Settler Colonialism, and the Production of Frontier Discourses, 1848-1880,” (Ph.D diss., University of Texas at Austin, 2003).

demographics, and the entire social structure. The St. Louis, Brownsville, and Mexico Railroad connected the Rio Grande Valley with Corpus Christi to the north during the summer of 1904, and the prospective development spurred intense land speculation in South Texas.<sup>36</sup> The same large tract of land that once belonged to a Tejano family, might have changed hands several times in a few short years, as different groups of investors sought to find the right tract of land to begin to advertise in the Midwest, the Middle Plains, and the South.<sup>37</sup> Land companies proliferated quickly in South Texas, and they organized excursions, which brought thousands of prospective investors to South Texas per month on the premise that the “Magic Valley” was a future agricultural paradise. As a result of these efforts, the demographics of South Texas changed rapidly: Hidalgo County alone averaged a 125 percent increase in population every ten years between 1900 and 1930, growing from 6,837 in 1900 to 77,004 in 1930.<sup>38</sup> While the county was almost exclusively Mexican throughout the nineteenth century, by 1930, Mexicans only made up about 53 percent of the population.<sup>39</sup>

The demographic shifts brought other more substantial economic and social changes in their wake. Fired by the spectacle and promise of the physical transformation of the land for intensive agricultural production, early twentieth century white migrants were determined to modernize a region they perceived to be pre-modern and backward. Disturbed by what they judged to be corrupt machine politics based on the manipulation

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<sup>36</sup> J. Lee Stambaugh and Lillian J. Stambaugh, *The Lower Rio Grande Valley of Texas* (San Antonio: The Jenkins Publishing Co., 1974), 173.

<sup>37</sup> David E. Vassberg, *Stockholm on the Rio Grande: A Swedish Farming Colony on the Mesquite Frontier of Southernmost Texas, 1912-1985* (Lanham, MD: University Press of America, 2003), 12-15.

<sup>38</sup> Historical Census Browser, from the University of Virginia, Geospatial and Statistical Data Center: <http://fisher.lib.virginia.edu/collections/stats/histcensus/index.html>. (2004). Retrieved 05-13-2010.

<sup>39</sup> Ibid.

of an uneducated illiterate Mexican vote, “good government” leagues associated with the new migrants sought to disenfranchise Mexican voters through the application of poll taxes.<sup>40</sup> New towns built along the newly constructed railroad supplanted the old ranches, now depicted as quaint relics of an earlier time. Agricultural land developers touted the progressiveness of their bustling communities with their modern new buildings and churches. They organized the towns, from their inception, as segregated towns, with the Anglo residential spaces and the Mexican Town or Mexican Colony clearly defined and delineated in their blueprints. Thus Mexicans’ spaces were relegated to small, dense corners of townships, marginalized from new spaces of public and social engagement. Mexicans had to make shift within the new agricultural economy as foremen, labor contractors, manual laborers, or sharecroppers. As the prices for land rose in the counties that had begun to introduce large-scale farming, Mexican landowners faced the pressure of having to cultivate agriculture for commercial production as well, or risk losing their land by being unable to pay their property taxes. The replacement of the cattle ranching economy by commercial agriculture undermined the bases of power on which the Mexican social structure rested. Mexicans soon occupied a social space in which their movements were limited by public, residential, and educational segregation, all of which combined to place them in a position at the bottom of the new society.

Though typically viewed from a U.S. perspective, the painful social changes associated with the coming of the railroad in South Texas were mirrored in northern Mexico, initiated a generation before, in fact. The railroad connected Monterrey, in the northern Mexican state of Nuevo León, to the United States in 1882, spurred by Porfirio

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<sup>40</sup> Montejano, 143.

Díaz's modernization program for Mexico, and financed largely by American capital.<sup>41</sup> The coming of the railroad signaled massive changes to the Northern Mexican countryside, formerly dotted by large cattle ranches and small landholdings owned by subsistence farmers. Helped along by Porfirian-era policies allowing for the dispossession of those who could not produce legal titles to their land, as well as rising land prices, large landowners increased their acreage at the expense of small rancheros and ejidatarios. Now landless, many former small landholders were forced to labor on large haciendas, producing cash crops for extremely low wages.<sup>42</sup>

Far from the dormant region that Anglo land developers represented, northeastern Mexico had been undergoing significant changes to its economy and population since the last decade of the nineteenth century in industry as well. The two border states abutting the Rio Grande Valley, Nuevo León and Tamaulipas, were large and highly populated. In 1900, Nuevo León counted 327,937 residents in its state while Tamaulipas had 218,948 people.<sup>43</sup> By the turn of the twentieth century, the city of Monterrey in Nuevo León had emerged as a growing industrial center and soon became the foremost industrial city in Mexico, mostly through foreign investment in ore smelters.<sup>44</sup> As industry took hold in the city, wages in Monterrey rapidly increased, paying among the highest levels in the

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<sup>41</sup> José Antonio Olvera, *Monterrey y sus caminos de hierro* (Monterrey, Nuevo León: Consejo para la cultura de Nuevo León, 1998), 13.

<sup>42</sup> Paul Hart, *Bitter Harvest: The Social Transformation of Morelos, Mexico, and the Origins of the Zapatista Revolution, 1840-1910* (Albuquerque: University of New Mexico Press, 2005). Juan Mora-Torres has identified the state of Nuevo León as an exception to the land acquisitiveness of hacienda owners during the Porfiriato. Neighboring states in northern Mexico, however, did follow the general trend of land dispossession and re-consolidation in favor of haciendas. Juan Mora-Torres, *The Making of the Mexican Border: The State, Capitalism, and Society in Nuevo León, 1848-1910* (Austin: University of Texas Press, 2001), 53.

<sup>43</sup> Secretaría de Fomento, Colonización e Industria, Censo General de la República Mexicana, prepared by the Dirección General de Estadística 1900.

<sup>44</sup> Mora-Torres, 85-103.

country.<sup>45</sup> The industrialization of Monterrey spurred migration to the growing city as people sought those higher-paying positions in factories and other industrial jobs. Thus, during the last decade of the nineteenth century and the first three decades of the twentieth century, the population in the two northeastern Mexican border states was highly mobile. A substantial portion of the population in Nuevo León and Tamaulipas were migrants from other nearby Mexican states. For Nuevo León, between the years 1895 and 1930, an average of 14 percent of the people were born in other Mexican states.<sup>46</sup> In Tamaulipas, the numbers of migrants in the state was even higher, averaging 19.6 percent during the same time period.<sup>47</sup>

Despite the traumatic transformation of the Rio Grande Valley and South Texas Mexicans' physical and social dislocation after the introduction of the railroad in 1904, it would be mistake to believe that the region was generally placid until that time. Considering the area both the north and south side of the border as a whole, regional migration had already been underway in northern Mexico since the late nineteenth century. That regional mobility laid the platform for migration into South Texas to form the labor force central to the agricultural development in the early twentieth century. Significantly, it was through and within that migration among the working classes of Mexican agricultural laborers that cross-border regional ties continued to exist. Migrating families lived and labored in a transnational context as they maintained households on both sides of the border. Though social stratification worked to separate Mexican migrants and Mexican Americans, they invariably created new relationships and communities with each other as they shared laboring and social spaces.

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<sup>45</sup> Ibid., 137.

<sup>46</sup> Information taken from Mexican General Census, 1895, 1900, 1921, 1930.

<sup>47</sup> Ibid. In Tamaulipas the numbers for people born in other states rose dramatically in the 1921 and 1930 census, forming 29.4% and 24.3% of the entire population, respectively.

Other scholars have demonstrated South Texas's continuous linkages to communities in northern Mexico, casting the area directly adjacent on both sides of the border as one social space. Historians have shown that throughout the late nineteenth century and early twentieth century, border residents responded to changing political dynamics on both sides of the border. For example, anti-Porfirio Diaz organizing was as likely to occur on the U.S. side of the border as in Mexico as demonstrated by Catarino Garza's efforts during the 1890s, and Mexicans provided significant material support for Mexican-American armed resistance to Anglo violence in 1915.<sup>48</sup> Also, during the first three decades of the twentieth century, many Mexicans negotiated their depressed labor and social conditions in the United States by organizing themselves into mutual aid societies inspired by Mexican politics and Mexican political heroes.<sup>49</sup> Through the preservation of family ties, through transborder political organizing, and through the very process of migration, Mexicans continued to live in transnational communities, whose lives and concerns both influenced and were influenced by events and social processes occurring on both sides of the border.

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<sup>48</sup> Elliott Young, *Catarino Garza's Revolution on the Texas-Mexico Border* (Durham: Duke University Press, 2004). See also, Benjamin H. Johnson, *Revolution in Texas: How a Forgotten Rebellion and its Bloody Suppression Turned Mexicans into Americans* (New Haven: Yale University Press, 2003). Though the title suggests a turn away from transnational politics, Johnson's examination of the San Diego Revolt emphasized the importance of cross-border organizing and migration during 1915 and the subsequent years of reprisal by American law enforcement.

<sup>49</sup> Emilio Zamora has explored the politics of Mexican labor organizing in Texas in the first few decades of the twentieth century, emphasizing how their experiences with labor organizing in Mexico helped migrant negotiate their labor conditions in the United States. Furthermore, in his examination of Mexican mutual aid societies, Zamora argues that Mexicans continued to nurture a distinctly Mexicanist political identity in their approaches to solving problems within their communities in Texas. Emilio Zamora, *The World of the Mexican Worker in Texas* (College Station: Texas A&M University Press, 1993).

## NARRATIVES OF THE FRONTIER AND PROGRESS IN LAND PROMOTIONAL BROCHURES

As more and more land changed hands in South Texas, and land investors began exploring the agricultural possibilities of the region, dozens of newly formed land companies began advertising their new creation. In conjunction with the two railroad companies serving the region, the Southern Pacific and Missouri Pacific Lines, the land companies published innumerable brochures and broadcasted radio segments aimed at persuading Midwesterners to take the excursions down to South Texas. While there, sales agents tried to persuade visitors to purchase property either to resettle with their families in South Texas, or for absentee investment purposes. In describing the different characteristics of the area, the brochures did not merely introduce an unknown land, but actively worked to define the land as a commodity to be purchased, a landscape which included within it a native Mexican labor force, also a valuable commodity. The exuberant paeans to the economic possibilities available in the Rio Grande Valley evoked nineteenth century images of the American western frontier, thus creating an easily digestible mental picture of life in South Texas using familiar associations.<sup>50</sup> The narratives of an idealized past (the frontier) and Progressive-era discourses of a modernizing future wove together to create, in South Texas, a constructed place out of time in the modern twentieth century. Furthermore, because several of these brochures were produced in the early 1930s, this narrative nexus was also enacted within the

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<sup>50</sup> These methods of definition and characterization of Mexicans fit within a long and enduring discourse first established in the mid-nineteenth century, when the United States was considering war against Mexico and directly afterward, in the process of consolidating the territory they had acquired through war. For works that link the Mexican-American War, Manifest Destiny, and the creation of racialist discourses of Mexicans see: Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1981); Antonia Castañeda, “The Political Economy of Nineteenth-Century Stereotypes of Californians,” in Adelaida del Castillo, ed. *Between Borders: Essays on Mexicana/Chicana History* (Encino, CA: Floricanto, 1990); and Shelley Streeby, *American Sensations: Class, Empire, and the Production of Popular Culture* (Berkeley: University of California Press, 2002).

shadow of the anxiety-ridden Great Depression. Thus the Valley became, in the pamphleteers' imagination, a place to recapture the triumphant narratives of white progress and opportunity, notions that had become open to critique through the failures of the Great Depression. The printed propaganda associated with a burgeoning agricultural industry during the first half of the twentieth century exemplifies the discourse constructed about the region and its inhabitants. This advertising worked with the region's physical re-formation to claim the social and ideological space of the South Texas border.

As noted, brochure makers mobilized the important iconography of the frontier, bringing its associated images of mastery to the geography of South Texas. By invoking the frontier, brochures also reminded readers of the reasoning that originally supported the nineteenth century ideology of Manifest Destiny, a divinely granted and masculine authority over a putatively empty wilderness. As one of the most common tropes narrating the American West, boosters in the region were quick to employ the imagery and descriptions that would place the Rio Grande Valley within its triumphalist history. In one especially melodramatic tract, the author judged the Rio Grande Valley to be the "Masterpiece" of the "Commanding General of the Universe" who had created a "fit dwelling place for the favored sons of men."<sup>51</sup> According to the logic of Manifest Destiny, God's approval of any means used, including violence, to dispossess "weaker" peoples, who were judged not to have been exploiting the land to its highest possible degree, became apparent through the aggressor's very ability to act. That is, God gave the aggressors the strength to conquer because God approved of the conquest, as read

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<sup>51</sup> Promotional Brochure, "The Land of Continuous Crops: The Lower Rio Grande Valley," produced for O. H. Stugard and Sons; Publications, Box 1, Folders 1-63, John H. Shary Collection, Library Archives and Special Collection, University of Texas Pan American.

through the Biblical decree that humans dominate the land. Such reasoning lay behind much of the justifications for violent U.S. westward expansion against Native Americans and Mexicans. The portrayal of a martial God in the brochure invoked the history of nineteenth century Manifest Destiny and revived it for the twentieth century.

For the most part, however, boosters preferred to downplay overt violence and employed the other dominant myth of frontier expansion—that of a virgin land waiting to be inhabited, giving passive consent to its use by white men. The land itself was gendered feminine, and descriptions of the processes by which agricultural development altered the landscape often shaded into sexualized language. One description noted, for instance:

The Rio Grande Valley is the Delta of the Rio Grande River, a land which, in centuries of repose gathered its latent wealth from the richly laden waters of the Rio Grande River and now awakens to the magic touch of man's efforts, giving foods and comforts to all peoples.<sup>52</sup>

This narrative portrayed the river delta of the Rio Grande as a female reproductive organ that had lain chastely untouched until white colonization had opened up the land for agricultural production. As Anne McClintock has pointed out in her analysis of British imperialism, “within patriarchal narratives, to be virgin is to be empty of desire and void of sexual agency, passively awaiting the thrusting, male insemination of history, language, and reason.”<sup>53</sup> In this case, because the brochure was dealing specifically with

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<sup>52</sup> “The Land of Continuous Crops”

<sup>53</sup> Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest* (New York: Routledge, 1995), 30. For works dealing with the concept of virgin land within the specific context of the United States, see: Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth* (Cambridge, MA: Harvard University Press, 1971); and Annette Kolodny, *The Land Before Her: Fantasy and Experience of the American Frontiers, 1630-1860* (Chapel Hill: University of North Carolina Press, 1984). As Kolodny showed, newcomers to the Americas invoked the notion of virginity when describing the land long before Frederick Jackson Turner used similar metaphors in describing the frontier. Kolodny, 4.

agricultural development, the masculinist imagery of planting seeds was especially apt. The sexual mastery depicted in this narrative helped contextualize the political and economic domination of the region by the newly arrived Americans.

Other brochures produced during the 1920s and 1930s used less direct language in making their case regarding the transformation of the landscape, but, nonetheless, asked the reader to draw similar conclusions. Most tracts marveled at the “impenetrable wilderness,” the “vast, almost uninhabited wilderness of mesquite and cactus,” that existed before 1904 and the changes wrought by the coming of the railroad.<sup>54</sup> Mirroring the standard narratives about U.S. westward expansion, the land was depicted as wild, untouched, and empty of civilization, save a “few thousand people, mostly Mexicans, living in clusters of “jacals” [sic].<sup>55</sup> The seeming contradiction between claiming that the area was an empty wilderness and the evidence that there were indeed Mexicans already living there was not a contradiction for proponents of this frontier ideology. Americans often justified the forced dispossession of Native Americans by claiming that native populations were not properly using the land, leaving it a wilderness. These characterizations can be read as part of that common strategy undertaken throughout the nineteenth century. More importantly, however, by describing the region as a wilderness and lumping Mexicans into a condition of a state of wilderness as well, the brochures discursively reduced Mexicans to being part of the landscape. Furthermore, because the brochures and pamphlets were created to attract buyers for the land, as just another

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<sup>54</sup> Promotional Brochure, “In Rio Grande Valley, Paradise, Sharyland: Where Nature Produces the World’s Sweetest Citrus Fruits;” “Valle Rico del Rio Grande,” Publications, Box 1, Folders 1-63, John H. Shary Collection, Library Archives and Special Collection, University of Texas Pan American. [Hereafter cited as Shary Collection, LASC, UTPA.]

<sup>55</sup> “In Rio Grande Valley, Paradise, Sharyland” A *jacal* refers to type of housing that was commonly found in South Texas.

quality of the landscape, Mexicans became a natural resource comparable to the quality of the soil, and a commodity just like acreage.

Pamphleteers conflated Mexicans with wilderness landscape by emphasizing their “primitiveness,” often represented through photographs and descriptions of their houses. Many brochures included photographs of *jacales*, small houses made of wattle and daub construction with thatched roofs, sometimes with a Mexican young woman, or family, presumably to provide a sense of visual perspective of the size of the dwelling for the viewer (see fig. 1.2).<sup>56</sup>

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<sup>56</sup> According to cultural geographer Daniel Arreola’s study, photographs of rural Mexican dwellings were favorite subjects for the popular picture-postcard industry in the early twentieth century. Photographers from border regions often created their own series of postcards they mass-produced and sold in local curio shops and in shops throughout the Southwest. Daniel Arreola, “The Picture Postcard Mexican Housescape: Visual Culture and Domestic Identity,” in Richard Schein, ed., *Landscape and Race in the United States* (New York: Routledge, 2006), 113-126. As Anne McClintock has argued, “In the colonial postcard, time is reorganized as spectacle; through the choreographing of fetish icons, history is organized into a single, linear narrative of progress. Photography became the servant of imperial progress.” Anne McClintock, *Imperial Leather*, 125.



Fig.1.2. Note the young girl standing in front of house on left and group of people in background. Detail from “In Rio Grande Valley, Paradise, Sharyland: Where Nature Produces the World’s Sweetest Fruit.”

The accompanying descriptions to these photos reinforced the notion of primitiveness, of belonging to the pre-modern, undeveloped landscape that agricultural entrepreneurs had discovered in the Rio Grande Valley, and as Carey McWilliams

observed, “exposed as a special item or artifact for study.”<sup>57</sup> Described as either “Mexican villages,” or “clusters” of Mexican *jacales*, brochure authors denied the Mexican Valley population any kind of social or political organization that would fit within the context of the twentieth-century United States.

While fixing an image of the Mexican home and family as curiosities and artifacts belonging to a primitive past, the photographs with people standing in front of their homes also served to remind the consumer of the brochures of the presence of workers in the landscape in the present. Thus, the tag on the photograph pointed out that they were villages of Mexican laborers. The *jacales* were not empty artifacts, therefore, and their inhabitants could be useful to prospective agriculturalists. As part of the usable landscape, Mexicans were also embedded in the conquest of the land suggested by appeals to the frontier and Manifest Destiny found in the literature. The image above, however, avoided any direct allusion to violence; any prior violence was erased, and what remained was the image of the young girl. Like many narratives of conquest, the conquered were rendered feminine and docile, and any evidence of traditional sources of male power and authority, were in this case, completely absent. In this brochure, the photo became a stand-in for the entire Mexican laboring population.

To demonstrate a sharp contrast to the primitive wilderness, and demonstrate the power of new colonists to dramatically alter their surroundings, many brochures juxtaposed images, before and after, of the transformed landscape. These images echoed Frederick Jackson Turner’s famous 1893 frontier thesis, extending a narrative of the gradual transformation of the landscape, by degrees, from wilderness to civilization, in a predictable succession.

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<sup>57</sup> Carey McWilliams, *North From Mexico: The Spanish Speaking People of the United States*. Quoted in Daniel Arreola, “The Picture Postcard Mexican Housescape,” 119.

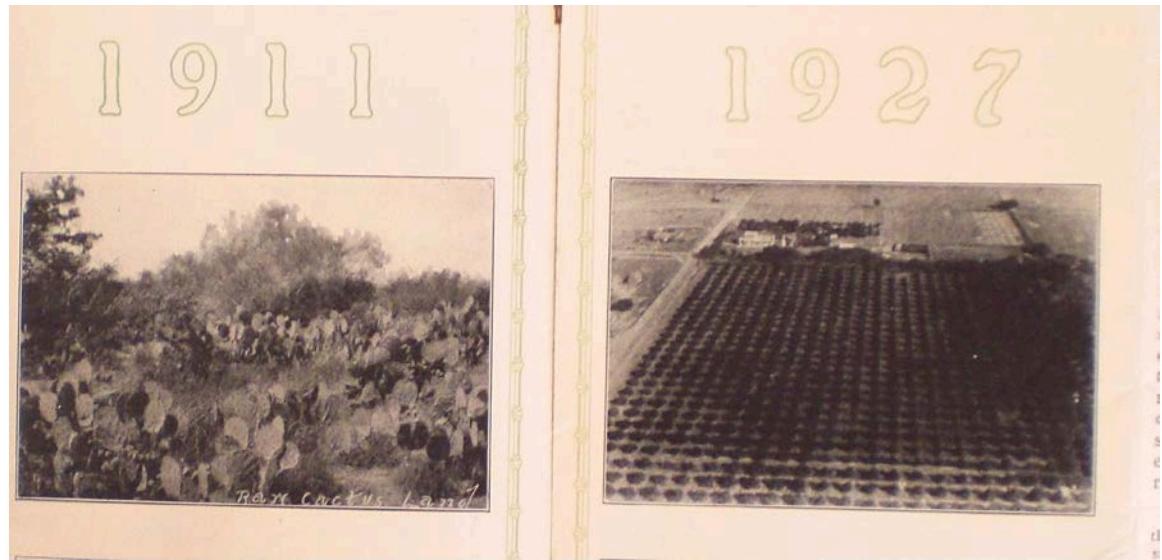


Fig. 1.3. Juxtaposed images of landscape transformed through commercial agriculture.

On the left a photo, with an inscription, “raw cactus land”. In stark contrast to the wildness and disorder of the image on the left, the photograph on the right depicted an aerial view of a citrus orchard, each tree placed within a tight geometrical grid. From promotional brochure, “McAllen, TX, The City of Palms,” c. 1927, Publications, Box 1, Folders 1-63, Shary Collection, LASC, UTPA.

In employing these visual strategies, as well as making direct allusions to the frontier, area land speculators wished to call attention to the Rio Grande Valley’s both familiarity and strangeness, or singularity. By encompassing the region within the familiar discourse of the frontier, the brochures bounded the land within a particularly American narrative of development, and thus discursively including the Valley within the boundaries of the U.S. According to these tracts, however, the Rio Grande Valley differed from every other geographic location in the U.S. in that it had retained its wild, underdeveloped state well into the twentieth century, and well after Frederick Jackson

Turner had announced the closing of the frontier in 1893.<sup>58</sup> This “Last Frontier” then, was strangely both in and out of time, a bridge between the nineteenth century and the modernity of the twentieth century.<sup>59</sup> The brochures offered an opportunity for middling farmers and businessmen to experience a colonizing venture in an area that had somehow escaped the all-enveloping process of westward expansion, to reprise the role of settling the frontier.

In compressing this story, by selling the “Magic Valley” as a previously untouched, frontier area, land speculators and boosters in 1920s and 1930s elided the history of the violent subjugation of the region during the nineteenth and early twentieth centuries. Less than a generation before the publication of the brochures, for instance, South Texas had been in the midst of an uprising organized by Mexicans on both sides of the border over the extensive land loss and social upheaval wrought by incoming Anglo Americans. In 1915, during what became known as the San Diego Revolt, the Mexican combatants’ violence against Anglo person and property, which included derailing a train on the much-celebrated St. Louis, Brownsville, and Mexico line, was met by a brutal campaign of reprisal by the Texas Rangers and the local Anglo community. Rangers and hastily deputized local whites killed over a thousand Mexicans in 1915 and 1916, and forced thousands of Mexican families to flee from their homes.<sup>60</sup> Despite the violence of

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<sup>58</sup> Frederick Jackson Turner, “The Significance of the Frontier in American History,” in John Mack Faragher, ed. *Rereading Frederick Jackson Turner: “The Significance of the Frontier in American History” and Other Essays* (New York: Henry Holt, and Co., 1994).

<sup>59</sup> Promotional Brochure, “Welcome to Mission, Home of the Grapefruit,” Publications, Box 1, Folders 1-63, Shary Collection, LASC, UTPA.

<sup>60</sup> James A. Sandos, *Rebellion in the Borderlands: Anarchism and the Plan of San Diego, 1904-1923* (Norman, OK: University of Oklahoma Press, 1992), 101-110. Also read Benjamin H. Johnson, *Revolution in Texas: How a Forgotten Rebellion and its Bloody Suppression Turned Mexicans into Americans* (New Haven: Yale University Press, 2003). As Johnson has mentioned, the true number of people killed in the repression is unknown, with those most sympathetic to Texas Rangers and vigilante groups claimed that about three hundred Mexicans were killed, while others estimated that up to five thousand Mexicans were murdered in the aftermath.

the recent past, only one brochure indirectly referenced this history. The author sought to explain why such an amazingly fertile, potentially productive region had thus far escaped the reach of American developers by describing the Valley as “far removed from the centers of commerce, isolated as a result of continual Border warfare and banditry extending over a period of years.”<sup>61</sup> That short statement quickly glossed over more than seventy years of violence between Mexicans and Texas Rangers, as well as the Mexican Revolution. Of course doing otherwise might have suggested a region still politically unstable, and would have been a very poor advertising strategy.

The pamphleteers’ practice of overlooking that turbulent history achieved an effect that had more to do with the 1920s and 1930s than the 1800s. They offered the frontier without the accompanying violence of “pacification.” By masking the violence that had constructed a racial social system in which Mexicans occupied the bottom sector, Mexicans’ social position could then be construed as natural and unquestionable. In these brochures, Mexicans became a people without history. In this way, Mexicans were presented as already occupying the landscape as submissive laborers, and not native landowners who still had yet to be dispossessed. Thus in the same brochure, the author could offer another benefit of the region to the women whose families might be considering a move to South Texas:

The servant problem is solved by Mexican labor, largely. A well-trained Mexican servant gives good satisfaction under firm, kindly treatment. A fair and friendly

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Johnson estimates that probably several thousand ethnic Mexicans were killed in this two-year period. 119-120.

<sup>61</sup> Julia Cameron Montgomery, “A Little Journey Through the Lower Valley of the Rio Grande, The Magic Valley of Texas,” 24; produced for the Southern Pacific Railroad Lines, 1928; Publications, Box 1, Folders 1-63, Shary Collection, LASC, UTPA.

dealing with a Mexican usually begets loyalty and dependability, a response to whatever is received.<sup>62</sup>

In this small piece of friendly advice to a potential newcomer, the author both hid and revealed a great deal. The source and origins of the laborers was unaddressed, in that they seemed to already be there, existing solely to serve white families. Readers became aware of an existing source of racialized labor to form a servant class. Furthermore, the idea that did come across clearly was the notion that a system of racial subjugation was firmly in place, because Mexicans, she suggested, were either already well trained to provide unwavering obedience, or could be easily trained by the woman of the house.

In stark contrast to the *jacales* and native Mexican population, a contrast created for deliberate effect, brochures sketched descriptions of new Anglo towns and communities in South Texas, touting their progressiveness. Brochures defined Progressivism in two ways: by the material infrastructure now changing the South Texas landscape and by a sense of civic spirit and reciprocity that pointed to advanced human relations.<sup>63</sup> First, instead of unorganized Mexican housing clusters and villages, brochures boasted of twentieth-century towns built along the newly-constructed paved highway connecting the Rio Grande Valley in a vast transportation network of roads, highways, and a second railroad line.<sup>64</sup> According to the brochures, fine houses,

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<sup>62</sup> Ibid., 7. It is important to note that the author of this brochure (and she authored several more) was a woman, and was careful to advertise aspects of the region that she felt would be attractive to wives who might be part of the decision-making process to relocate.

<sup>63</sup> Of course David Montejano has explored another way in which agricultural land developers mobilized the term Progressive specific to South Texas politics, to define themselves in opposition to old system of machine politics based on patronage and deference. Progressives favored the disenfranchisement of Mexicans and implemented a kind of Jim Crow system of racial segregation in their “progressive cities.” *Anglos and Mexicans*, 129-178.

<sup>64</sup> The St. Louis, Brownsville and Mexico Railway first connected South Texas to points north in 1904 and was portrayed by many brochures as one of the first signs of civilization. The line was owned by the Missouri Pacific Railroad, who went on to build lines connecting the Rio Grande Valley east to west. The Southern Pacific railroad constructed several lines also linking the

churches, and schools now crowded the towns lining the east-west highway. Even more importantly, an equally large network of canals and irrigation ditches dug into the Valley landscape, that pumped water daily from the Rio Grande had really provided the necessary infrastructure to introduce large scale agricultural development and transform the region from an empty tangle of wilderness into the “Nation’s Market Basket.”<sup>65</sup>

In addition to the physical markers of change attributed to modernity and progress, however, boosters wanted to communicate an even more complete transformation of the region, which they described as “Valley Spirit.” This feeling of civic duty manifested itself in a surfeit of clubs and organizations, which were listed ad infinitum in the pages of the brochure. Examples include the Valley Federation of Women’s Clubs, Rotary Clubs, Masonic orders, Knights of Columbus, Elks, etc. Members of these organizations worked to carve up and claim social and public space according to middle-class notions of order and sex-segregated civic engagement. For example, members scurried about planting palm trees to beautify the Valley, holding meetings, organizing balls and parades. As one brochure put it, “coming from all over the United States these people are welding themselves into a civilization all their own, a civilization marked by its progressiveness.”<sup>66</sup> In creating a unified sense of community among a collection of migrants from diverse areas of the country, these organizations also claimed public social, cultural, and political spaces that were explicitly, self-consciously, and aggressively American. Thus, more than one brochure could claim that the highway

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Valley to places further north and also containing lines heading east and west, thus providing connections between Valley cities.

<sup>65</sup> Promotional Brochure, “Valle Rico del Rio Grande,” Publications, Box 1, Folders 1-63, Shary Collection, LASC, UTPA.

<sup>66</sup> Promotional Brochure, “The Gulf Coast Country, the Rio Grande Valley: Happiness is the Reward of Hard Work,” 25, Publications, Box 1, Shary Collection, LASC, UTPA.

connecting the Rio Grande Valley, east to west, was “The Longest Main Street in America.”<sup>67</sup>

By claiming the road that snaked along the contours of the Rio Grande, at a distance never more than five miles from the international boundary, agricultural boosters pushed the cultural boundaries of the United States to its extreme outer territorial margins. Thus the metonym of “Main Street,” with its associations of traditional American values, the symbolic center of America, and whiteness, crowded out other cultural markings of the region which had been previously Mexican. The Spanish-language community schools, the Mexican mutual aid societies, and even the social space of the rancho were relegated to the social and cultural margins, or to a distant past. They had to make way for the segregated public schools, the Rotary club, and Main Street.

Employing advertising strategies developed during the boom of advertising production in the 1920s and 1930s, pamphleteers sought to create a social tableau to present the Rio Grande Valley in a most attractive light.<sup>68</sup> These scenes depicted social relations by positioning people interacting with each other in the same frame, or by placing a single person within a setting that also suggested a specific social status location, therefore still communicating a message of social interaction.<sup>69</sup>

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<sup>67</sup> “Sales Canvass on Selling Sharyland Units,” 1932, in brochure packet, “Now! A Sharyland Citrus Grove Within Reach of All,” Publications, Box 1, Shary Collection, LASC, UTPA.

<sup>68</sup> Roland Marchand adapted the concept of the tableau to describe the social space depicted in the composed images of an advertising scene. See Roland Marchand, *Advertising the American Dream: Making Way for Modernity, 1920-1940* (Berkeley: University of California Press, 1986), 166.

<sup>69</sup> Ibid.



Fig. 1.4. Detail from the back cover of promotional brochure, "In Rio Grande Valley, Paradyland: Where Nature Produces the World's Sweetest Fruits." The dark ring even more emphatically encloses the scene as a tableau, visually connecting the young woman in the foreground and the Mexican worker in the background.

The illustration above (fig. 1.4) formed the back cover for the sales brochure carried by agents representing the Southwestern Land Company, from Mission, Texas.

This particular advertisement was selling at least two commodities. The first commodity for sale was the land, represented by the cluster of grapefruit positioned in the foreground of the picture, and the actual product offered by a growing agricultural industry in South Texas. The citrus industry aggressively marketed the grapefruit to grocery stores and supermarkets in cities across the U.S. and Europe, seeing in that fruit a way to find a niche against the more productive citrus regions of southern California and Florida. However crucial to the vision for the region's economic future, the grapefruit-producing land was not the central image of the scene.

Instead, the main commodity agents were selling was a lifestyle possible by the representation of a landscape produced by capitalist agriculture. The young woman in the center of the composition represented this prosperous lifestyle, as well as the land itself. Yet, the woman could only be understood in conjunction with the entire setting, including the background. Though the orchard in the background denoted a rural and agrarian setting, the young woman herself did not outwardly appear rural. Dressed in attractive, contemporary attire, she could have been a city girl dressed for a picnic. Not strongly marked as agrarian, her social location kept a bit ambiguous, the young woman's prosperity and her modernity was predicated upon the action taking place in the background.<sup>70</sup> Perched on a stepladder, his ethnicity evident by his towering sombrero, the Mexican laborer stretched out his arm to pick fruit from the generously laden tree. This figure was unambiguously rooted to the agrarian scene by his work clothes and his movements—he could not have been anywhere else. His fixed social position as an agricultural laborer provided the freedom for the young woman's more fluid social status. Furthermore, the Mexican figure's fixed identity as an agricultural worker allowed for the

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<sup>70</sup> Advertising convention often featured women, acknowledging women's position in maintaining households, and therefore the most dominant consumers. Marchand, 167.

representation of the landscape, captured by the woman's image, to also appear young, healthy, and modern. Relegated to the background, the worker's social importance was further diminished by his sideways body position, which obscured his face, and thus constructed him as a generic, undifferentiated figure. Captured in one tableau, the Mexican's presence at work in the landscape developed by Anglo capital situated the class and race relations at play in South Texas agricultural social structure, and gave meaning to the girl's position. This picture offered a narrative of South Texas as an idyllic and productive space, in which both the land and the people had been transformed and tamed to supply the consuming public with agricultural products and fully enter into a complex, interconnected modern economy and society, with Mexicans clearly marked as the laboring class.

### **SOUTH TEXAS EXCURSIONS: BUYING AND SELLING LAND AND IMAGES OF THE BORDER**

Like many other similar land development companies operating in South Texas between 1910 and 1930, the Southwestern Land Company used excursion trips as its primary mode for selling land. Armed with colorful brochures and scripted sales pitches, sales agents working for the Southwestern Land Company scoured the country for likely prospects, people willing to travel to the Valley to look it over, and who might be persuaded to buy an agricultural tract at the end of the visit. Packaged as a combination vacation and speculative expedition, land companies brought down groups of prospective buyers by rail, and treated them to a three-day program of entertainment and instruction. The trip was tightly controlled in every way—from the information discussed to the places visited. The companies even predetermined the mode of travel in order to facilitate the extended sales pitch. Companies designed the entire experience to hew as closely as

possible to the images and narratives of progress, development, opportunity, and ease outlined in sales brochures. Despite the pamphleteers' romanticized portrayals of South Texas as the last frontier, sales agents and land companies did not want their prospects to actually see very much wilderness after all in the way of inadequate infrastructure, and kept them close to the very narrow corridors of irrigated orchards and paved roads that corresponded to sales agents' progressive narratives. Prospective buyers' glimpses of South Texas were as constructed and carefully cultivated as the glossy brochures themselves.

Excursionists came from a variety of backgrounds from the Great Plains states, the Midwest, and South. Some had professional jobs and lived in cities, but most were farmers from rural areas. Some men traveled by themselves to South Texas, but many couples also took the trip, some even bringing their children along. The land companies planned their excursions with couples in mind, including dining, musical entertainment, and dancing in their programs.

Though only a small portion of those who traveled to South Texas on excursions made a land purchase and resettled their families on the border, the trips had an impact that went beyond that highly valuable category of travelers. Land companies undeniably prized those migrants, viewing them as the essential components to realizing the regional development they envisioned and projected in their sales brochures. Land developers such as John H. Shary, who owned the Southwestern Land Company, invested much of their personal identity as colonizers of the region, beyond their investments in the material infrastructure of agriculture. However, absentee landowners outnumbered the families willing to resettle in South Texas, considering their purchased acreage in the Valley an investment to support their urban or suburban lifestyle in various areas of the United States. Far outnumbering the former two, however, were those travelers who

made the excursion to South Texas and returned to their homes without making a land purchase. In essence, they functioned as tourists—temporarily, though significantly participating in the land companies' colonizing ventures. Through the mechanisms of the excursion trips, and with the participation of the travelers, who, with varying degrees of commitment, consumed agents' sales pitches, land companies fueled the social, cultural, and physical transformation of the region.

After land developers such as Southwestern Land Company carved up the Rio Grande Valley into large chunks, they proceeded to subdivide the land again and again, into acres within lots within tracts, to parcel out to individual buyers interested in intensive agricultural development for market production. John H. Shary founded the company in 1913, after previously engaging in land development in Nueces County, near Corpus Christi.<sup>71</sup> Between 1913 and 1922, John Shary purchased over 49,000 acres of land in western Hidalgo County, which he named Sharyland.<sup>72</sup> Envisioning that the land could be used for citrus production, which, being a specialty crop, could bring in more money per acre than a staple crop like cotton, Shary had to simultaneously invest in irrigation infrastructure, to feed an irrigation-dependant citrus crop. In 1915, he purchased Mission Canal Company, expanded its reach and capability, and renamed it United Irrigation Company.<sup>73</sup> In order to provide customers for his new water company

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<sup>71</sup> Silvia Zulema Silva-Bewly, "John H. Shary and the Promotion and Development of Hidalgo County Land, 1912-1930," (Master's thesis, University of Texas Pan American, 1998), 50-52. Before he became a developer in the Rio Grande Valley, Shary and George H. Paul purchased over 250,000 acres of the Taft and Driscoll ranches near Corpus Christi and the Welder ranch near Sinton, TX to sell for cotton production. Shary and his partner brought prospective buyers on excursion trips by rail to see the area, thus developing many of the sales techniques and approaches he would later use in the border region. For more about cotton farming in Southeast Texas during the early twentieth century, especially on the former Taft Ranch lands, see Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997).

<sup>72</sup> Silva-Bewly, 52.

<sup>73</sup> Ibid., 82.

and to pay off his considerable capital outlay for his land purchases as well, John Shary began organizing excursions to South Texas to try and engage people in citrus production and sell them as many acres as they were willing to buy.<sup>74</sup>

By 1930, the Southwestern Land Company had been hosting excursion parties for over fifteen years, had the process honed and carefully calibrated, yet making the sale was still a heavy and labor-intensive endeavor. Sales agents hailed from states such as Nebraska, Kansas, Minnesota, Oklahoma, Arkansas, and Tennessee, and mostly traveled within their home regions in search of customers. Agents used various methods to meet and draw customers in to hear about the excursions, which they offered at reduced rates of twenty-five dollars, substantially below the actual cost of the trip.<sup>75</sup> According to one former sales agent for the Stewart Land Company the arduous process involved in going into a new community in search of “prospects,” which sometimes involved paying off suspicious local real estate agents into letting them work the area.<sup>76</sup> The time and trouble of finding willing prospects, especially after the onset of the Depression, often ate into sales agents’ finances, requiring them to ask their employers for advances against future sales. H. L. Finley of Alliance, Nebraska wired the Southwestern Land Company in April 1931 about missing the next excursion because inclement weather had hampered his efforts. In the meantime, however, he requested a check for seventy-five dollars to hold him over, because he had been unable to sell some of his stocks.<sup>77</sup>

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<sup>74</sup> According to Silva-Bewly, the repossession rate for lands sold by the Southwestern Land Company between 1912 and 1930 was 70%, an astounding number. *Ibid.*, 105. The high rate of cancelled contracts could have been due to a very low threshold set for qualification for financing.

<sup>75</sup> Taken from passenger manifests, Box 1, Old Excursion Trips, Shary Collection, LASC, UTPA.

<sup>76</sup> Virgil N. Lott, “Early-Day Hucksters,” in *Selections from the Collected Papers of the Lower Rio Grande Valley Historical Society 1949-1979*, vol. 1 (Harlingen, TX: Lon C. Hill Memorial Library, 1979), 145-148.

<sup>77</sup> Telegram, H.L. Finley to Southwestern Land Co., Apr. 3, 1931; Folder 9, Box 1, Old Excursion Parties, Shary Collection, LASC, UTPA.

Sales agents had to divide their time between searching for new customers and following up with undecided former customers, demonstrating the difficulties in carrying a sale to completion. Once a sales agent rounded up several prospective customers, he or she communicated via telegram with the main offices for the Southwestern Land Company to inform them they were joining one of the twice-monthly excursions and how many prospects they were expecting to bring. Elizabeth Bradley, sales agent from Fort Smith, in northwestern Arkansas, wrote to the main offices in Dallas in January 1931, letting them know that she expected to be on the next trip to South Texas with some strong prospects. Her letter revealed the amount of legwork sales agents had to do to bring people on the excursions. Bradley reported meeting with several others, but did not expect that those would be ready to make the trip yet, and also planned to work the area of Boonsville, located in the nearby environs of Fort Smith, in search of more customers. She also provided an update on Skow, a prospect that had already made the trip: “Have’nt [sic] been able to close on Skow. Cant find out just what he is going to do. Only I do know they are interested.”<sup>78</sup>

Once those in the main office heard from all sales agents making plans to make the scheduled excursion trip, employees of the Southwestern Land Company initiated the well-oiled machine of preparation for the incoming group. The office contacted the Missouri Pacific railroad lines, and ordered them to prepare two railroad cars, Sharyland and a standard Pullman car, for the party planning to depart from Dallas at noon on January 25, 1931.<sup>79</sup> They placed the order to their usual purveyors, such as the Packing House Market on South Harwood Street and Metzger Dairies, for the veal chops, beef

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<sup>78</sup> Letter, Elizabeth Bradley to Southwestern Land Co., Jan. 11, 1931; Box 1, Folder 5, Old Excursion Parties, Shary Collection, LASC, UTPA.

<sup>79</sup> Telegram from Southwestern Land Company to CW Strain, Missouri Pacific Rail Road, Jan. 25, 1931; Folder 2, Box 1, Old Excursion Parties, Shary Collection, LASC, UTPA.

short ribs, and other foodstuffs to feed the group during the train ride, and throughout the three days.<sup>80</sup> They booked their usual porters, Ples Fussel, C. Jackson, Fred Henderson, and James Ballard to handle passengers' luggage, turn down their blankets, and help create the atmosphere of luxury and privilege that the Southwestern Land Company was so anxious to convey.<sup>81</sup> On that excursion, most of the travelers came from Oklahoma, and several from Kansas and Colorado.<sup>82</sup>

The travelers departed from Dallas at noon, January 25, 1931, on the Sharyland car by the Missouri Pacific line. No part of the trip was wasted—the time on the train was the first opportunity to forge a sense of common endeavor among prospects and strengthen bonds between prospects and sales agents. Passengers each received a copy the Sharyland Songbook and spent part of the time singing well-known tunes popularized during the nineteenth century, such as Carry Me Back to Ole Virginny and the Battle Hymn of the Republic. The Songbook also included new songs written specifically about South Texas, such as The Rio Grande Valley, sung to the tune Marching Through Georgia.<sup>83</sup> By including new songs about the Valley adapted from popular tunes, as well as old favorites, boosters hoped to include South Texas within an American cultural genealogy.

In a promotional article about the South Texas agricultural industry written by Theodore Price, editor of *Commerce and Finance*, he described the spirit of camaraderie built on these train trips. “They travel in special trains, become acquainted with each

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<sup>80</sup> Loose receipts, Folder 1, Excursion May 31-June 3, 1931; Box 1, Old Excursion Parties, John Shary Collection, LASC, UTPA.

<sup>81</sup> Expense Breakdown, Excursion Jan. 26-Jan. 29, 1931, Folder 44, Box C7D4 #1, Old Excursion Parties, Shary Collection, LASC, UTPA.

<sup>82</sup> Passenger Manifest, *Ibid.*

<sup>83</sup> Sharyland Songbook, published by the Southwestern Land Company, pg. 3-23; Folder 38, Box 2, Publications; Shary Collection, LASC, UTPA.

other, and a feeling of communal interest springs up that has sometimes, so I am told, led the entire train-load to settle in one locality.”<sup>84</sup> The “feeling of communal interest” to which Theodore Price referred was equally predicated on the race segregation of the special trains, as on the additional measures the Southwestern Land Company took to foster such close interactions. As travel scholar Hal Rothman has described, the railroad generations were accustomed to sharing space with strangers, and knew how to negotiate the forced intimacies of the dining and club cars.<sup>85</sup> Their ability to share cramped quarters, however, was based on the expectation of racial exclusivity fostered by the separate train cars chartered by the company, and created an atmosphere that perfectly suited the kind of facile sense of community the land companies wished to promote.<sup>86</sup>

The special Sharyland railroad car, the singing of the songs, as well as the Missouri Pacific’s policy of race segregation, created a cultural space that also recalled the nineteenth-century history of American westward expansion. Theodore Price pointed to this process when he observed that “the spirit that led the earlier pioneers of the 40’s and the 50’s to cross the continent in prairie schooners and face the peril of an attack by Indians is the one by which the Pullman pioneers of to-day are inspired, although they

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<sup>84</sup> Theodore Price, “Where Water is Made to Run Up-Hill,” *The Outlook*, Nov. 30, 1931. Although it looked like a regular journalistic magazine article, it contained the very specific buzzwords and promotional pieces of information that indicate this piece might have been written for hire. In 1926 John H. Shary, along with several other land developers, hired Associated Press reporter W.C. Grant to write stories publicizing the Rio Grande Valley. Silva-Bewly, 75.

<sup>85</sup> Hal K. Rothman, “Introduction: Tourism and the Future,” in Hal K. Rothman, ed. *The Culture of Tourism, The Tourism of Culture* (Albuquerque: University of New Mexico Press, 2003), pages.

<sup>86</sup> For more on segregation on railway transportation, see Grace Elizabeth Hale, “‘For Colored’ and ‘For White’: Segregating Consumption in the South,” in Jane Daily, Glenda Gilmore, and Bryant Simon, eds. *Jumpin’ Jim Crow: Southern Politics from Civil War to Civil Rights* (Princeton: Princeton University Press, 2000), 162-182. For more about railroad workers and race in South Texas, see Jennifer Borrer, “The Colored Trainmen of America: Kingsville Black Labor and the Railroads,” in *African Americans in South Texas History*, ed. Bruce A. Glasrud (College Station: Texas A&M University Press, 2011), 151-176.

travel in greater comfort and have fewer hardships to face.”<sup>87</sup> As many scholars have argued, the nineteenth century U.S. West was a space in which many European immigrants and American whites could intermingle. European immigrants, whose cultural and racial pedigrees were often viewed with suspicion by American whites, could assert identities of whiteness through the upward social mobility afforded them in the pioneer venture. This venture included extensive land ownership, often acquired through violence against Native Americans and Mexicans, and the domination of regional labor structures, again often achieved through violence, and those dynamics formed the bases of white supremacy in the nineteenth-century western United States.

Although traditionally thought to be bracketed by the nineteenth century, the epistemology of the frontier, with its narrative of white egalitarianism, was alive and well during the first three decades of the twentieth century in South Texas. Many of the passengers traveling to South Texas on the excursion trips were themselves immigrants or sons and daughters of European immigrants. Although rare, some migrants sought to preserve their European ethnic identity by settling in culturally homogenous communities in South Texas. For example, a group of investors from Canada and Minnesota established an exclusively Swedish community in northeastern Hidalgo County in 19--, mainly by advertising in Swedish language newspapers in the Midwest and Texas.<sup>88</sup> Yet a mere twenty-five years after its establishment, Stockholm, Texas was no longer a viable community, due in part to out-migration from the region entirely, but more importantly, to out-marriage and the movement to nearby towns and communities in South Texas.<sup>89</sup>

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<sup>87</sup> Theodore Price, “Where Water is Made to Run Up-Hill.”

<sup>88</sup> David E. Vassberg, *Stockholm on the Rio Grande: A Swedish Farming Colony on the Mesquite Frontier of Southernmost Texas, 1912-1985* (Lanham, MD: University Press of America, 2003), 14.

<sup>89</sup> Ibid., 71-83.

Historian David Vassberg hailed the rapid demise of Stockholm, Texas as a triumph of assimilation.<sup>90</sup> Though Vassberg did not acknowledge the process, the inverse relationship between the failure of the ethnically identified Stockholm and the rapid assimilation of its residents to the larger Anglo community in South Texas was partly based on the presence of ethnic Mexicans, deemed permanently foreign and inassimilable.

The moment that passengers pulled up to the train depot in Mission, drivers in automobiles met them to take them to the Shary Clubhouse where they would be lodging during their stay. Many of the larger land development companies constructed similar clubhouses for their guests, and such spaces served various functions. These structures communicated a message of the companies' prosperity and financial stability, generally supporting the legitimacy of the companies' land selling campaigns. The Shary Clubhouse, situated at the edge of an artificial lake whose water was pumped in from the Rio Grande by the Shary Irrigation Company, was built in 1916 specifically to house excursion guests.<sup>91</sup> The large lower rooms of the clubhouse were reserved for dining and entertaining excursion groups, with tables decked with fresh bouquets of bluebonnets, and the second floor housed the visitors' sleeping quarters. The land companies designed their practice of always keeping visitors together to continue the feeling of camaraderie begun on the trains, hoping to persuade several people to buy adjoining lots.

Not only did sales agents and other employees of the Southwestern Land Company always keep visitors together, they also chaperoned them for almost every moment of their trip. Every moment of the trip acted as a tightly organized extension of the sales pitch. This constant chaperonage served another function as well: it severely

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<sup>90</sup> Ibid., 86.

<sup>91</sup> Silva-Bewly, 82.

limited prospects from outside sources of information. At the beginning of each day, sales agents climbed into the hired cars with the prospects they had personally recruited, and often with the drivers they had specifically requested. Knowing the importance of a good rapport between the sales agent and driver to making a sale, Sherman Fox wrote requesting Straw as a driver for his group of prospects coming from Mississippi for an excursion in January 1930.<sup>92</sup> In November 1931, Frank Wood communicated via telegram to the Southwestern Land Company that he intended to make the next trip with several “good prospects” and requested “a good driver this time.”<sup>93</sup> Since most land companies conducted their sales tours in the same way, they often had to compete with each other for drivers. Anticipating a large group of prospects visiting South Texas in February, 1931, the main Dallas office of the Southwestern Land Company wired the Sharyland office to “engage Leach for drive before other companies get him.”<sup>94</sup> Throughout the 1910s and 1920s a number of land companies were operating in South Texas, and they all roughly followed the same methods for selling acreage. The business of selling the Valley was a thriving industry, directly and indirectly employing a large number of people on its prospective future as a regional agricultural powerhouse.

Once the prospects had arranged themselves according to sales agent and assigned car, the whole group set off for their tour of the countryside, stopping at prearranged locations to learn the details of citrus agriculture. One of the first stops would have been near the irrigation works, either the pump house on the river, or the networks of canals dug to provide the citrus trees the necessary water for production. Beyond assuring

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<sup>92</sup> Telegram, Jan. 11, 1930, Folder 43, Box C7D4 #1, Old Excursion Parties, Shary Collection, LASC, UTPA.

<sup>93</sup> Telegram, Nov. 21, 1931, Folder 40, Box C7D4#1, Old Excursion Parties, Shary Collection,LASC, UTPA.

<sup>94</sup> Telegram, Feb. 7, 1931, Folder 4, Box C7D4#1, Old Excursion Parties, Shary Collection,LASC, UTPA.

prospective buyers of access to a constant source of water in the arid region, sales agents also had to justify the expensive infrastructure reflected in the price of the land. Furthermore, these pumps, levers, and canals represented the most dramatic physical manifestations of the way in which these developers had physically altered the landscape, siphoning from the waters of the Rio Grande into narrow, concrete lined channels. This example of manipulating nature to serve human needs further supported a romantic narrative of a modernizing frontier venture.

First-hand accounts from working farmers represented one of the most effective selling techniques sales agents had at their disposal. Prospective buyers were eager to visit a productive working orchard, and the stop at Volz' farm fulfilled this important function. Mr. Volz spoke to the group about producing the crop: from irrigation schedules, to chemical applications of pesticides, and labor costs. He detailed to an intent audience his yield per tree and per crop, the profits he had brought in the year before, and his expected profits for the upcoming year. After the group posed for a photograph in front of his attractive and substantial farmhouse, more evidence of the profit potential of the crop, visitors sampled oranges directly from Volz's orchards.<sup>95</sup>

The Southwestern Land Company strived to make these stops seem as authentic and spontaneous as possible, to hide any impression of information control and manipulation, yet Volz himself was a practiced performer. Normally on the itinerary, Volz gave these talks twice a month, and received ten dollars per talk.<sup>96</sup> The Southwestern Land company discouraged other non-approved landowners from talking to the visiting groups, and if any approached prospective buyers with discouraging reports

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<sup>95</sup> Expense Breakdown, Folder 10, Box C7D4#1, Old Excursion Parties, Shary Collection, LASC, UTPA.

<sup>96</sup> Ibid.

of diminished returns, offers to sell their land, or any information that deviated even slightly from sales agents' effusive optimism, disaffected landowners could expect an angry letter from John Shary threatening legal action.<sup>97</sup>

This strict adherence to a land company-approved program in the latter 1920s and early 1930s differed only in intensity to the explicit, and sometimes violent, methods of message control employed by land companies and area boosters in the preceding two decades. According to one former sales agent, in the early stages of the South Texas land-selling campaigns, one land company employed burly men to guard land seekers from men he called "knockers".<sup>98</sup> These knockers might approach the group with stories of their own misfortunes at the hands of duplicitous sales agents, fraudulent land companies, or even just due to the unforgiving climate. Land companies deployed the guards at the first signs of trouble, physically repulsing individuals who would disillusion any of their prospects from making a purchase.<sup>99</sup> By 1930, such rough methods of control became unnecessary. It is doubtful that utilizing such techniques as employing bodyguards proved effective in any case, since their very presence must have raised uncomfortable questions in prospects' minds.

The change in methods notwithstanding, the land selling industry carefully manipulated excursion trips so that prospective buyers would be induced to see South Texas through the seller's vision. The vista they were shown was deceptively vast, a gaze that calculated the value of all aspects of the countryside and its resources, including Mexican laborers. When sales agents for Engelmann Gardens, another large agricultural

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<sup>97</sup> Silva-Bewley, 85-89.

<sup>98</sup> They were called knockers because they were out to knock the extremely optimistic picture land companies painted for prospective buyers.

<sup>99</sup> Virgil Lott and Virginia M. Fenwick, *People and Plots on the Rio Grande* (San Antonio: The Naylor Co., 1957), 128-134.

operation encompassing over ten thousand acres in northern Hidalgo County, took their prospects on their tour, one of its highlights was the bird's eye view from the observation platform atop the six-story administration building in the middle of the Engelman compound. As the visitors admired the verdant rows of citrus trees below, they could not fail to see the large labor camp located nearby, which housed the permanent year-round agricultural workers and their families. It would make sense that sales agents direct their visitors attention to the small cottages grouped down below, and use the opportunity to speak to them about the easy availability of Mexicans as an inexpensive labor force. Thus visitors could speculate about the expected labor costs of Mexican workers while looking down at workers' homes; their domestic spaces were laid bare to gazes sharpened by potential ownership.

As important to excursion trips as inspecting the farmland, and discussing water and labor sources, land companies sought to create experiences of leisure and pleasure for prospective buyers. Although the pleasure jaunts formed stark contrasts with notions of the work necessary to produce a profit from the land, that juxtaposition was very important. Sales agents wanted potential buyers to clearly see that their pleasure and leisure could be gained from the agricultural labor performed by Mexican workers. Through these side trips, prospective landowners could rehearse the leisure time and activities that would be available to them because of the presence of Mexican workers to labor in the orchards, instead. More than mere "wining and dining," jaunts to the beach at South Padre Island and trips across the border to Matamoros or Reynosa for dinner, drinks, and dancing, also claimed the space not reserved for commercial agricultural production, which included the uncleared wilderness and even the nearby Mexican border towns, for their use and pleasure.

Taking excursion groups across the river into Mexico for dining formed a regular part of the excursion weekend, so that prospects could experience a visit to a foreign country as tourists. On the excursion trip in late January 1931, the Southwestern Land Company spent seventy-two dollars on dinner in Matamoros, including music and tips.<sup>100</sup> Because the United States was still in the midst of Prohibition, dining and drinking in Mexico would have been an especially appealing draw, also demonstrating a contrast in laws between the two countries. One brochure announced that a “dinner across the river is the most favorite feature of entertainment of all Valley guests” and assured readers that everyone would enjoy the meals and not just those who “wash it down.”<sup>101</sup> The brochure went on to recommend Mexico, claiming “the novelty of mailing a few post cards “from abroad” and feeling law-loose holds charm for any stranger,” in a veiled reference to temporarily easing the privations of Prohibition.<sup>102</sup> By sending post cards from a foreign country, visitors could indulge in the privilege of traveling as tourists, as well as share their impressions of Mexico with their friends and family, both by the choice they made in postcard image, as well as the text they included on the reverse side. Thus, prospects experienced excursion sales trips, translated those experiences to their families and friends, thereby producing a multiplying effect beyond the scope of the prospects themselves.

Pamphlets and brochures pointed to Mexico as an attractive destination to capture the sensation of stepping back into time into a space of decayed grandeur whose better days were long past. Referring to Mexican border towns as quaint and ancient only

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<sup>100</sup> Expense Breakdown, January 26-29, 1931 Excursion Trip, Folder 44, Box C7D4#1, Old Excursion Parties, Shary Collection, LASC, UTPA.

<sup>101</sup> Julia Cameron Montgomery, “A Little Journey Through the Lower Valley of the Rio Grande, The Magic Valley of Texas,” 62.

<sup>102</sup> *Ibid.*

served to highlight the dichotomy between American progress and Mexican stasis, with the larger story of the relationship between the two nations captured in the U.S.-Mexico border region. As one brochure pointed out, “to Americans, who are accustomed to think in terms of the up-to-date, the strictly modern, there is ample room to turn around mentally review an apparent incredible record of ancient prosperity and grand living; to wonder why and whence its disappearance.”<sup>103</sup> Specifically comparing the two countries, the author emphasized American movement and energy, while relegating any Mexican activity or accomplishment into an era in the distant past. It seems surprising that the brochure author could have so simply constructed this narrative considering the enormous amount of social, political, and economic change Mexico had recently faced through an intense and violent Revolution which had dramatically challenged traditional economic and social structures in the country. Instead of referencing a lengthy revolution largely initiated by dispossessed rural peoples reacting against Porfirio Diaz’s modernizing program, brochure authors preferred to ignore these events altogether. To do otherwise might suggest a restive rural labor force. Painting Mexico as a quaint, quiet backwater fit their narrative much better.

## **RESULTS OF THE TRIP**

By the end of the excursion in late January 1931, visitors had been experiencing a hard sell for three days. Of the twenty-four prospective buyers who had made the trip, five individuals and couples decided to make the investment in the Southwestern Land Company’s Sharyland town. Of those five purchasers, two hailed from Stafford, Kansas,

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<sup>103</sup> Julia Cameron Montgomery, “A Camera Journey Through the Lower Valley of the Rio Grande: The Garden of Golden Grapefruit,” (Brownsville, TX: Monty’s Monthly News, 1929), 26; Box 1, Publications, Shary Collection, LASC, UTPA.

and three from Oklahoma. With purchases ranging from about five acres and larger, the land tracts averaged out to 7.9 acres per purchase. In sum, the Southwestern Land Company sold 39.81 acres for a total of \$16, 414.50. The cost per acre broke down to \$412.32. The company expended \$1,134.06 on the cost of the trip, and \$2,462.21 on commissions to sales agents. The actual price of the land was valued at \$8, 207.25, thus at the end of the trip, the Southwestern Land Company had made a profit of \$4, 610.98.<sup>104</sup> This excursion trip at the very beginning of the year in 1931 turned out to be one of the most successful trips of the year, second only to the next trip taken that year in early February, when the company sold over 94 acres of land. Several trips in 1931 resulted in sales in the single digits, or perhaps ten acres at the most. As the Great Depression deepened and took hold, sales agents working for the Southwestern Land Company found it more difficult to attract willing buyers. In fact, 1931 was the last year that the Southwestern Land Company undertook regular excursion trips. Both the numbers of visitors and the acreage sold had fallen dramatically from the year before. In 1930, in the course of eleven recorded excursion trips, 396 prospective buyers had visited the region, and 83 had purchased land totaling 840.55 acres. By contrast, in 1931, in nine recorded excursions, the Southwestern Land Company had brought down 170 prospective buyers, with about 27 purchasing 221.82 acres of land.<sup>105</sup>

From the turn of the twentieth century until the time that excursion trips began to wane in the first few years of the 1930s, the Rio Grande Valley experienced a dramatic demographic shift in its population. Though, railroads and land companies had lost the ability to draw large numbers of people to South Texas during the Great Depression, the

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<sup>104</sup> Excursion Trip, Jan. 26-29, 1931; Folder 44, Box C7D4#1, Old Excursion Trips, John Shary Collection, LASC, UTPA.

<sup>105</sup> Boxes C7D4#1 and #2, Old Excursion Trips, John Shary Collection, LASC, UTPA.

effects of the two decade long campaign to sell the Magic Valley as a modern agricultural empire in the last frontier of the continental United States were more widespread than the demographic changes in South Texas. For every individual or family member who pulled up stakes from their homes in Kansas or Oklahoma to move down to the Rio Grande Valley, a greater number purchased land without the intention of ever leaving their present home. These absentee landowners always outnumbered those who decided to move to South Texas. Absentee landowners represented a group of people scattered throughout the Midwest, Middle Plains, and the South, who had vested interests in the economics and politics of the U.S.-Mexico border region. Furthermore, the vast majority of the people who took advantage of the special rates to travel to South Texas and witness the marvels of rapid agricultural transformation about which they had heard so much, never purchased a single acre. Yet, as consumers of the media produced by land and railroad companies and as travelers, they aided in the colonizing venture of the land and society in the south Texas border region. Referred to as prospects by land companies, their very presence as possible buyers of land fired the engines of the excursion trip promotional and representational machine. This interactive relationship of selling and buying, producing and consuming enveloped the region with its narrative of progress defined as uniquely American and modern, yet imbued with the aura of nineteenth century images of the frontier and Manifest Destiny. In the process of physical and economic transformation of the border, the promotional apparatus in charge of selling the region's future also rewrote its past, erasing the actual history of nineteenth century conquest and capitalist incorporation of South Texas and Northeastern Mexico. By presenting the early twentieth century border as an untouched wilderness, yet conveniently populated by Mexican agricultural laborers, agricultural boosters re-created the conquest of the region once again.

## Chapter Two: The Social Space of Agriculture

Setting out at dusk one night in the early 1950s from his home in Rancho Grande, a community of a few hundred residents located along the southern banks of the Rio Grande in Tamaulipas, Noe Magallan crossed the river with a small group of relatives and neighbors on their way to Carroll Norquest's farm about twenty miles north of the river.<sup>106</sup> If they had the money and had so chosen, they could have paid for someone to take them in a truck from Granjeno, located just across the river on the northern side of the border, to Norquest's farm. Because they did not have the money, they walked the entire way, a journey that lasted almost the entire night. Taking care to avoid any chance meeting with an immigration officer on patrol, the group skirted the roads, picking their way through the fields and crossing over irrigation canals. Though not afraid of physical violence from the Border Patrol officers—Noe Magallan claimed that they would not manhandle or otherwise treat one harshly if one behaved oneself—the travelers thought it prudent to take these precautions to avoid the possibility of being seen, stopped, questioned, detained, and then thrown back across the river.<sup>107</sup> After a long night of walking, they arrived at the Norquest farm and into a space of relative safety, because “once we were there with him, it was not too easy for one to get caught.”<sup>108</sup>

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<sup>106</sup> Noe Magallan, interview by author, audio recording, Reynosa, Tamaulipas, June 2, 2010.

<sup>107</sup> Noe Magallan was referring to the method of deportation the Border Patrol often employed known as voluntary departure. Border Patrol officers preferred utilizing the voluntary departure mechanism with its minimal processing as an easier, cost-effective alternative to formal deportation procedures, which included a deportation trial before a judge and rights to legal representation for the accused (though not provided by the government), as well as possible prolonged detention. Though voluntary departure was most often used, formal deportation proceedings were common enough to be considered legitimate threats to undocumented migrants. U.S. Department of Justice, *Annual Report of the Immigration and Naturalization Service*, 1948, 22. See Immigration Act of 1917, sec. 20, further amended by Act of September 22, 1950, then replaced by Immigration and Nationality Act of 1952. (356)

<sup>108</sup> Noe Magallan, interview.



Fig. 2.1. Map of South Texas border region.

South Texas growers helped fashion an agricultural labor system based upon the foundation of illegal workers and rooted within the powerful social, cultural, and political logic of the farm, with its combined living and laboring space. The Norquest farm exemplifies the daily social interactions between a farmer and agricultural workers, relationships shaped by the police presence of the Border Patrol in the region. Rather than stop the access to low-waged Mexican laborers that had so attracted farmers to the region, the growth of the Border Patrol during the mid-twentieth century helped create the conditions for workers' low wages through the selective restriction of undocumented

workers' mobility. That social space allowed growers to construct paternalistic images of themselves as protectors of undocumented workers from the Border Patrol. Recognizing the ways that growers and workers used different notions of family in describing and defining agricultural relations also disrupts a narrative of twentieth century agricultural labor relations as being predominantly impersonal wage transactions.

The labor force in agricultural regions along the U.S.-Mexico border consisted of Mexican-Americans and Mexicans, permanent legal residents and undocumented immigrants. Undocumented workers formed the agricultural economy's base, influencing wage rates for all farm workers. Because a significant portion of the seasonal agricultural labor force was undocumented, the Border Patrol played an essential role in allowing the border labor system to function. South Texas growers consistently employed undocumented workers year after year, suggesting a culture of collusion between Border Patrol officers and growers. The collusion, though widespread, was masked as unofficial, idiosyncratic, and based on relationships formed within daily social interactions. Workers noted growers' collusive relationships with Border Patrol officers, but perceived them as based on personal ties and providing some modicum of protection against deportation. The personal and idiosyncratic image of Border Patrol-grower relationships helped support growers' paternalistic pretensions. The dynamic of personal relationships helped locate growers' authority within the individual personal politics inherent in patriarchy and paternalism.

In their seasonal migrations, agricultural workers attempted to keep their families intact by migrating in loose family groups. They found that by taking advantage of growers' paternalist self-constructions, they could continue to live and work among these large kinship networks even in another country, and even within a context of illegality. In addition, through these seasonal migrations, workers were able to supplement their small

farming operations in their homes in northern Mexico. Through their seasonal migrations, Mexican workers maintained and nurtured extensive and transnational family relationships that endured beyond the time they spent on the farms.

Examining daily social interactions in South Texas agriculture during the 1940s and early 1950s is important in understanding the competing sources of authority shaping the organization of Mexican agricultural workers' migrations. During most of the 1940s, Texas growers did not use braceros for their labor force, first because of the Mexican government's ban on Texas. Even after Mexico permitted Texas to contract braceros in 1947, Texas growers' participation in the program was intermittent for the next few years, frequently interrupted by subsequent blacklists from the Mexican government as well as growers' own refusals to hire legally contracted braceros. The system of undocumented agricultural labor employed in South Texas during this period was not just a precursor to the state-sponsored bracero program. This labor system, organized upon axes of family and kinship, competed against and placed pressure upon the two governments' attempts to organize and control Mexicans' migrations.

### A PEAK PERIOD IN SOUTH TEXAS AGRICULTURE

Although land developers drew farmers to South Texas in the 1920s on the promise and glamour of the luxury citrus crops, growers in the Rio Grande Valley raised a variety of crops almost the year round. Citrus remained important, both financially and also in visually defining the Valley. In 1946, for example, the twenty-four million boxes of grapefruit Texas growers shipped made that year's production second only to

Florida.<sup>109</sup> Because of its warm weather, investments in irrigation infrastructure, long planting season, as well as abundant labor, the Rio Grande Valley became one of the most important agricultural regions in Texas. Throughout the 1940s, growers in the Rio Grande Valley shipped out more than fifty percent of Texas' vegetable crops, producing a majority of the state's tomatoes, cabbage, carrots, potatoes, beets, corn, green beans, and onion crops.<sup>110</sup> Thus, the Rio Grande Valley was a major agricultural region in a state that ranked behind only California and Iowa in income from crops between 1944 and 1950.<sup>111</sup>

Despite the variety of fruits and vegetables grown in South Texas that required the presence of agricultural workers through much of the year, the heaviest demand for labor occurred during the cotton harvest season in late June and early July. In 1948, Hidalgo and Cameron Counties followed only Lubbock County in the number of cotton bales ginned, making the region a significant cotton producer in the state that produced the most cotton in the United States that year.<sup>112</sup> In June and July, thousands of seasonal workers crossed the border from Mexico to work in the cotton harvest. In a study examining South Texas agricultural labor during the latter half of the 1940s, the economists Nelson and Meyer estimated the Rio Grande Valley's overall labor needs during the peak months of July and August 1948 at 132,000 and 135,000 workers, respectively.<sup>113</sup> While impossible to determine a precise number, a different study

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<sup>109</sup> *Texas Almanac* (Dallas: A.H. Belo Corporation, 1947-1948), 212-213. Grapefruit was the Valley's most successful citrus crop. The citrus industry in South Texas ranked behind both California and Florida.

<sup>110</sup> *Texas Almanac* (1945-1950).

<sup>111</sup> *Texas Almanac* (1945-1946; 1947-1948; 1949-1950).

<sup>112</sup> *Texas Almanac* (1949-1950), 215-220.

<sup>113</sup> Eastin Nelson and Frederic Meyers, *Labor Requirements and Labor Resources in the Lower Rio Grande Valley of Texas*, Inter-American Education Occasional Papers 6 (Austin: University of Texas at Austin, 1950), 9-11. Estimates of labor requirements were based on the almost 600,000 acres of cotton and thousands of acres of summer truck crops.

placed the seasonal numbers of undocumented workers in the Rio Grande Valley at 100,000.<sup>114</sup> This number corresponds to Nelson and Meyers' calculations of the permanent residential agricultural labor force at nearly 40,000 workers.<sup>115</sup> Thus, rapid growth and dynamic movement characterized some aspects of the agricultural industry along the South Texas-Mexico border.

The farming operation owned by Carroll Norquest, grower and author, located in the border region of South Texas illustrates the daily social interactions between growers and workers. Forming part of the Midwestern and Plains states migration flow to the Rio Grande Valley in the early 1920s, the Norquest family moved from Kansas and settled near Edinburg, Texas in Hidalgo County.<sup>116</sup> The Norquests purchased a farm and forty acres, containing a large farmhouse, a barn, and several other outbuildings and small houses.<sup>117</sup> Over the years, Norquest owned and rented up to four hundred acres, representing a mid-sized farming operation raising a diverse range of cash crops, from cotton and citrus production, to other vegetable crops. The most acreage he personally owned was 120 acres, broken up into several tracts of lands in different areas near town.<sup>118</sup> By comparison, the average farm size in Hidalgo County in 1945 was 119.3 acres.<sup>119</sup> Of the four counties in the Rio Grande Valley, Hidalgo County was the

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<sup>114</sup> David E. Vassberg, "The Use of Mexicans and Mexican Americans as an Agricultural Work Force in the Lower Rio Grande Valley of Texas," (master's thesis, University of Texas at Austin, 1966), 46.

<sup>115</sup> Nelson and Meyers, *Labor Requirements and Labor Resources*, 16. These numbers, however, did not include the older school aged children in the Rio Grande Valley, many of whom also worked in agricultural fields on a seasonal basis.

<sup>116</sup> Carroll Norquest, *Rio Grande Wetbacks: Mexican Migrant Workers* (Albuquerque: University of New Mexico Press, 1972), ix.

<sup>117</sup> Kelly Norquest, interview by author, audio recording, Edinburg, TX, June 4, 2010. Kelly is Carroll Norquest's eldest son.

<sup>118</sup> Norquest, *Rio Grande Wetbacks*, xi.

<sup>119</sup> *Texas Almanac*, 1949-1950; <http://texashistory.unt.edu/ark:/67531/metaph117165> (accessed October 02, 2011), University of North Texas Libraries, The Portal to Texas History, Texas State Historical Association, Denton, TX.

largest, contained the most cultivated farmland, and the largest number of farms. In demographic terms, Carroll Norquest represented an average farmer in South Texas.

In other respects, Norquest was far from average, nurturing a talent for prose and the ability to capture small vignettes of daily agricultural life written in a vibrant and engaging style. After suffering a stroke later in life, Norquest began writing as a form of therapy. He took a creative writing course by correspondence, and then began seeking a publisher for his short stories about agricultural life in South Texas.<sup>120</sup> Though the University of New Mexico Press usually published academic books for a college market, the Southwestern Books editor Jack Rittenhouse responded favorably to Norquest's stories, commenting that the work was "more than just mere entertainment, it is what the academics call a "socially useful document."<sup>121</sup> The press eventually published his collection of anecdotes about the workers on his farm under the title *Rio Grande Wetbacks*. Though he had to assign pseudonyms to the people in his stories, Carroll Norquest claimed that the people were real and the stories were "true, as far I was given the ability to write the truth."<sup>122</sup> Norquest crafted his stories from materials culled from his own experiences and those of his friends, neighbors, and acquaintances, providing a picture that went beyond his farm.<sup>123</sup> The book and his unpublished manuscript, "The Swarming of the Wetbacks," open an important window into daily interactions between white growers and Mexican workers, from a grower's perspective.<sup>124</sup>

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<sup>120</sup> Kelly Norquest interview.

<sup>121</sup> Jack Rittenhouse to Carroll Norquest, July 9, 1970; and Oct. 26, 1970. In the correspondence between Carroll Norquest and Jack Rittenhouse, it became evident that Norquest considered his work, in part, to be a response against the political activity of the Chicano Movement emerging in South Texas. I thank John W. Byram, Director of the University of New Mexico Press for sharing this correspondence with me.

<sup>122</sup> Carroll Norquest, *Rio Grande Wetbacks*, xii.

<sup>123</sup> Ibid.

<sup>124</sup> Norquest's original name for the book manuscript was "The Swarming of the Wetbacks." He organized the anecdotes that were not used in *Rio Grande Wetbacks*, as well as ones newly

Carrol Norquest presented a complex and contradictory of himself in relation to his workers, implying the possibility of equality at some moments and profound asymmetry at others. In the “The Swarming of the Wetbacks,” Norquest drew comparisons between his family’s Swedish immigrant background and the immigrant Mexican workers he employed. By doing so Norquest invoked the assimilationist narrative of immigration offering Mexican migrants the possibility of full integration in U.S. society in the future. In this way, he also placed himself and his workers within a common narrative of egalitarian citizenship.<sup>125</sup> On the other hand, Norquest also represented his relations with workers in paternalistic terms, based on the permanently unequal dynamics of a father and child. In the introduction to *Rio Grande Wetbacks*, Norquest described grower-worker relationships during the 1940s and early 1950s in the following terms:

His [the worker’s] trust in *el patrón*, if his patron was good to him, was complete. Life, liberty, health, welfare, money—he put them all in the hands of *el patrón*. He gave in return the very best that was in him: good wishes, regard, loyalty, and labor.<sup>126</sup>

Though describing relations of reciprocity, the tenuousness of such a relationship was clarified in another story included in *Rio Grande Wetbacks*, as well as its basis on undocumented workers’ compromised mobility due to their illegal status. In “From Wetbacks to Migrants,” and in other spaces, Norquest revealed the limits to grower authority, as he recounted his and other growers’ ambivalence regarding workers’ acquisition of legal status in the United States. In that story, his acquaintance Jack helped

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written, and retained the title “the Swarming of the Wetbacks,” for the unpublished story collection.

<sup>125</sup> Norquest, “Exploited,” in “The Swarming of the Wetbacks.”

<sup>126</sup> Norquest, *Rio Grande Wetbacks*, 4.

several of his workers acquire citizenship papers, in order to “make it easy, for them and for himself, to have them work here.” To his dismay, Jack found that once workers obtained legal status in the United States, they left his farm, either to migrate north in search of higher wages, or for better jobs in town. After several such incidents, Jack vowed not to help anymore. “But I think I’ve helped my last Mexican with his papers,” he declared. “Most of them never even thanked me.”<sup>127</sup> The realization that once workers gained the ease of open mobility and dropped their attitude of loyalty challenged the paternalist self-image that some growers promoted.

In order to get a sense of farm life from workers’ perspectives, I sought the same workers that Carrol Norquest described in his writings. By interviewing Carrol Norquest’s son Kelly, I learned the last name of the extended family the Norquests dealt with most closely, and the town they were from in Tamaulipas, Mexico. Though most of the workers who had worked for Carrol Norquest had already died, I tracked down several family members with first-hand, or second-hand experience on the Norquest farm, and obtained from them their view of relations with the Norquest family, their border crossings, and negotiations of the social space of agriculture in South Texas.

### **COMPROMISED MOBILITY AND THE ROLE OF PROTECTION IN GROWER-WORKER RELATIONSHIPS**

The familial terms that Norquest invoked when describing his relations with Mexican workers were not particular to him, but have long shaped notions of agriculture. Although the farm evokes a pastoral, modest, and inoffensive image, the ideological

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<sup>127</sup> Ibid., 146-147.

foundations of agriculture have rested upon hundreds of years of power over workers.<sup>128</sup> Geographically fixing a labor force, defined as inherently domestic and belonging wholly within a familial sphere, was a central characteristic of power dynamics in European and early American agriculture.<sup>129</sup> The domestic associations of agricultural labor continued long beyond the time that wage labor, democratic institutions, and political struggle transformed economic, social, and cultural relations in other facets of society.<sup>130</sup> Well into the twentieth century, agricultural workers had difficulty disentangling themselves from the realms of the domestic.

Despite claims from labor activists that large-scale agriculture in California constituted what Carey McWilliams called “factories in the field” the federal government consistently distinguished between agricultural and domestic laborers on the one hand, and other workers. New Deal protections, such as those afforded by the National Labor Relations Act and the Social Security Act, for example, excluded agricultural and domestic workers.<sup>131</sup> Historians have attributed the exclusions to political expediency

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<sup>128</sup> In the United States, the logic of binding agricultural workers within the domestic boundaries of the household was carried out to its extreme in plantation-based chattel slavery. Within this system, African American slaves had no legal identities separate from their owners, their labor production belonged solely to their owners, and their very bodies constituted plantation owners’ economic assets.

<sup>129</sup> For works that analyze agricultural relations within a manorial system in England and/or changes and continuities in colonial America, see: David Grayson Allen, *In English Ways: The Movement of Societies and the Transferal of English Local Law and Customs to Massachusetts Bay in the Seventeenth Century* (Chapel Hill: University of North Carolina Press, 1981); and James Horn, *Adapting to a New World: English in the Seventeenth Century Chesapeake* (Chapel Hill: University of North Carolina Press, 1994).

<sup>130</sup> Gordon S. Wood has argued that the central contribution of the American Revolution was to radically alter social and political relations from the vertical, dependent, and personal, characterizing Old World monarchies to the horizontal, egalitarian, and impersonal that defined American democracy. Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992).

<sup>131</sup> Zaragosa Vargas, *Labor Rights are Civil Rights: Mexican American Workers in Twentieth Century America* (Princeton, NJ: Princeton University Press, 2005), 8.

on the part of President Franklin D. Roosevelt, who left out those categories of workers in order to secure support from Southern Democrats.<sup>132</sup> These concessions demonstrated Southern whites' continued desire to control the lives of mostly black agricultural workers. The concessions, and their effects, also continued to define agricultural workers as a racialized labor force. Thus while scholars such as Carey McWilliams and David Montejano have described twentieth century Mexican migrant farm laborers as resembling industrial workers in their wage relationships with growers, neither the politics nor culture of the time recognized this to be the case.

Growers exploited the doubly paradoxical nature of undocumented labor: working in farms that were at once domestic and laboring spaces, and simultaneously characterized by mobility and immobility, to shape a seasonal migration that supplied an abundance of labor at very low wages. The great supply of laborers allowed growers to pay workers less, but it was not the only reason. As David Montejano has described for Mexican American farm workers, local growers supported by local government and with the collusion of state officials manipulated the movements of workers. In the case of undocumented Mexican farm workers, the Border Patrol also manipulated the movement of workers. These factors begin to explain how South Texas farmers were able to create a defined space in which they paid the lowest wages for agricultural work in the country. The proximity of Mexico and consequent "oversupply" of impoverished potential laborers characterized the Rio Grande Valley economy, but not exclusively the Valley. Growers in agricultural regions that also neighbored Mexico—El Paso and the Pecos area, southern New Mexico, and the Imperial Valley in California—all paid wages higher than did South Texas growers.

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<sup>132</sup> Robert S. McElvaine, *The Great Depression: America, 1929-1941* (New York: Times Books, 1984), 257. See also Vargas, 65.

At a time in 1947 when California growers were contracting imported Mexican workers for 60 cents an hour, New Mexican farmers were paying 50 cents, and Arizona growers 40 cents per hour, South Texas growers were proposing to pay Mexican laborers under contract 25 cents per hour.<sup>133</sup> Even in California, a state not known for its high wages and attractive working conditions, workers could expect to earn more than twice the rate paid agricultural workers in South Texas. Scholars writing about conditions in California have traced the history of artificially depressed agricultural wages to growers' employment of a succession of racialized immigrants to work in the fields, and the use of vigilante violence against agricultural workers once they began to organize themselves to demand higher wages.<sup>134</sup>

In *Factories in the Field*, Carey McWilliams first advanced his now-famous thesis regarding California agribusiness, describing the labor force as a rural proletariat: a "huge, rootless, ambulatory alien army moving about, living in shacks and sheds, without homes, without roots of any kind in the community."<sup>135</sup> Carey McWilliams saw similar processes of industrial-capitalist agricultural relations taking place in Texas, in the transition of the cotton industry from a labor system based on tenancy to seasonal migrant

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<sup>133</sup> Report, "Labor Conference, 29 April 1947," Engelman Gardens Enterprises, Museum of South Texas History. These rates were used to set wages for bracero contracts, or those workers legally imported through the bi-national agreement between the United States and Mexico for seasonal labor in the agricultural industry. Though I am not arguing that undocumented workers also received those wages (they probably made less), the differences in wage rates demonstrates the huge gap in earnings between agricultural workers in different regions, based in part by local social condition regulating agricultural labor relations. The simultaneous, and intertwined nature of bracero and undocumented migration will be explored more fully in chapter four.

<sup>134</sup> McWilliams, *Factories in the Field* and Cletus Daniel, *Bitter Harvest: A History of California Farmworkers, 1870-1941* (Ithaca: Cornell University Press, 1981). For a good restatement of the role of violence in California agriculture adding the context of the bracero program, see Don Mitchell, "Battle/fields: braceros, agribusiness, and the violent reproduction of the California agricultural landscape during World War II," *Journal of Historical Geography* 36 (2010) 143-156.

<sup>135</sup> Carey McWilliams, *Factories in the Field: The Story of Migratory Farm Labor in California* (Boston: Little, Brown, and Co., 1939), 145.

farm work in the 1920s. He feared similar “armies” of seasonal migrant farm workers were “tearing at the social fabric of rural life and rural towns.”<sup>136</sup> Looking specifically at South Texas, and the transformation of its economy from cattle ranching, with its static debt peonage labor system to crop farming based on waged labor, David Montejano also narrated a destruction of the *rancho* communities.<sup>137</sup> For both McWilliams and Montejano a significant transformation was located in the shift from permanence and community, to impermanence and migrancy, resulting in easily replaceable “units” in a low-waged labor market constituted a significant transformation.<sup>138</sup> According to both Montejano and McWilliams the apparent rootlessness and lack of community and kinship relationships facilitated racialization of agricultural workers, although these scholars might differ as to the degree to which rootlessness contributed to racialization or vice versa. They agree that mobility tended to impair or rupture familial and community ties that might otherwise have mitigated, or helped mask the inequality within the labor structure. There is evidence, however, to support an alternative interpretation, that is, that growers used familial rhetoric in order to rationalize exploitation of “their” workers. Racialization did not crowd out family rhetoric, rather, family rhetoric facilitated racialization.

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<sup>136</sup> Carey McWilliams, *Ill Fares the Land: Migrants and Migratory Labor in the United States* (Boston: Little, Brown and Co., 1942), 253.

<sup>137</sup> Scholars have studied coercive labor systems in Mexico and in nineteenth century South Texas, which employed paternalism as an important social mediation between landowners and workers. In these systems of debt peonage, worker immobility was based on wages that were so low that workers fell into enduring and ever-increasing debt to owners for their basic necessities of life. These workers rarely saw any money and landowners transferred the debt they incurred to workers’ children, who were then tied to the land by ever more debt. Friedrich Katz, “Labor Conditions on Haciendas in Porfirian Mexico: Some Trends and Tendencies,” *Hispanic American Historical Review* 54:1 (February 1974); and David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987).

<sup>138</sup> McWilliams, *Ill Fares the Land*, and Montejano, *Anglos and Mexicans*.

In South Texas, growers primarily employed undocumented Mexican workers, a group who could not more perfectly embody the class of persons both McWilliams and Montejano described. Growers' representations of labor relations with workers, however, differed markedly from the impersonal wage relationships McWilliams and Montejano detailed. Far from a progression of a faceless army of seasonal migrants, many of them who worked at the same farms year after year interacted on the intimate planes of familiarity with growers.<sup>139</sup> Such familiarity, linked with an agricultural industry imbued with the trappings of pastoralism, allowed for expressions of paternalism, with its relationships of protection and dependence, processes which growers tried to keep in place.<sup>140</sup>

The control growers *claimed* they maintained over their workers was not based on the impersonality of armies of faceless, interchangeable workers, but on the intimacy of familiarity and an established history of social relations. In a 1920 U.S. Senate hearing debating a bill to exempt Mexican agricultural workers from the eight dollar head tax and literacy test imposed by the 1917 Immigration Act, Fred Roberts, a grower and the president of the South Texas Cotton Growers Association spoke about his familiarity with Mexican workers as a group and as individuals in order to emphasize their reliance on Mexicans in particular. That part of Texas, he claimed, "has always been and is to-day dependent upon Mexican labor. We have always had free access to the Mexicans on the

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<sup>139</sup> Even within the formalistic confines of the bracero program, some workers cultivated relationships with growers and tried to arrange a return to the same farm year after year as a way to introduce a measure of predictability in their work. Michael Snodgrass, "The Bracero Program, 1942-1964," in *Beyond La Frontera: The History of Mexico-U.S. Migration*, ed. Mark Overmyer-Velázquez (New York: Oxford University Press, 2011), 96.

<sup>140</sup> By pastoralism, I am referring to a romanticized and nostalgic reading of the agricultural past mapped onto the present. See Stephanie Lewthwaite, "Race, Paternalism, and 'California Pastoral': Rural Rehabilitation and Mexican Labor in Greater Los Angeles," *Agricultural History* 81:1 (Winter 2007), 1-35.

other side of the border, and we have always been going there..."<sup>141</sup> Claiming access to Mexican workers as almost being a right of South Texas growers, he further elaborated his sense of "knowing" Mexican workers as a group: "And we want the Mexican laborer, because we are used to him. We know the Mexican and he knows us. We are not afraid of him. There never was a more docile animal in the world than the Mexican."<sup>142</sup> While indulging in the kind of stereotyping of Mexican agricultural workers covered elsewhere, Roberts also emphasized the relationship between growers and workers by insisting that each knew the other.<sup>143</sup> Going further, Roberts not only claimed to know Mexicans as a class, but also as individuals, asserting that a "particular Mexican has been coming to my place now for 10 years," thus highlighting the personal nature of the working relationship.

Growers rhetorically positioned themselves as the protectors of undocumented workers from various forces: the Border Patrol, jealous Mexican American workers, and exploitative labor contractors. How were growers able to construct their identities in this way? Eugene Genovese's study of social relations between slaveholders and slaves in the antebellum South details a dyadic system of paternalism within coercion that is also useful for understanding racialized labor relations in South Texas.<sup>144</sup> Based on a foundation of underlying violence and coercion, slaveholders provided food, shelter, and

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<sup>141</sup> Senate Committee on Immigration, *Admission of Mexican Agricultural Laborers: Hearings on S.J. Res. 66*, 66<sup>th</sup> Cong., 2<sup>nd</sup> Sess., 1920, 3-4.

<sup>142</sup> Ibid.

<sup>143</sup> For two examples of works that describe the ways in which agricultural representatives stereotyped Mexican workers in Congressional hearings to convince Congress to exclude Mexicans from restrictive immigration legislation in the early 1920s please see, Montejano, *Anglos and Mexicans*, chapter eight, "The Mexican Problem," and David Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995), 46-56.

<sup>144</sup> Eugene Genovese, *Roll, Jordan, Roll: The World The Slaves Made* (New York: Pantheon Books, 1972). This formation of slavery was most characteristic of the period after the closing of the transatlantic slave trade in 1808.

care in old age in return for a lifetime of arduous, unpaid labor. In order to justify themselves in such a coercive system, slaveholders constructed themselves as paternalistic protectors of childlike dependents. According to Genovese, slaves often worked within that limited space of familial social relations to establish and expand rights over time—transforming privileges into rights. Genovese’s analysis helps explain and explore complexity within a highly repressive system of relations that could account for the vast majority of social interactions that were not outright resistance by slaves or explicit violence by owners.

In the context of plantation slavery, the power to immobilize slaves, to mete out punishment for violations of the prescribed boundaries and duties of slavery, and to provide for slaves’ physical needs inhered in the same person: the slave owner. The household, especially the plantation household served as the seat of social cultural and political power.<sup>145</sup> By locating the productive process of labor within the parameters of the household, planters contained the most important economic functions of the agricultural South within their private demesnes. “Slavery, they argued, was a domestic relation” and not a labor relation.<sup>146</sup> External social mechanisms, such as the institution of the slave patrol, as well as the legal and judiciary system, supported the authority of the slaveholder to keep those power dynamics in place. Violence and coercion held black laborers immobile and dependent in a slave system, but slaves contested and negotiated the boundaries of obligations and responsibilities exchanged by growers and slaves, and enacted within the logic of the family, father and children.

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<sup>145</sup> Nancy Bercaw, *Gendered Freedoms: Race, Rights, and the Politics of Household in the Delta, 1861-1875* (Gainesville, FL: University Press of Florida, 2003).

<sup>146</sup> Bercaw, *Gendered Freedoms*, 3.

While not trying to claim a direct comparison between plantation slavery and the agricultural labor system in twentieth century South Texas, I argue that South Texas growers, in describing their own position in relation to workers, invoked a tradition of plantation-based paternalism. Furthermore, the labor system at work in South Texas did have an element of coercion involved, which allowed South Texas growers to perform roles of paternalism.<sup>147</sup>

Instead of inhering in one person, however, the coercive and “benevolent” aspects defining paternalism divided into two separate, but connecting entities: the Border Patrol and growers, respectively. Because the agricultural labor system was fundamentally based on the labor of undocumented workers, the Border Patrol played an important role in shaping the contours of labor relations between growers and workers. The mobility of undocumented workers was undeniably circumscribed. Because of their illegal status, a crime carried on their person, undocumented workers could not move about freely. Growers benefited from workers’ compromised mobility and their illicit legal status in various ways, but growers were not individually responsible for creating their legal social condition. In other words, the authority that created undocumented workers’ condition did not officially rest with growers, but with federal immigration laws, and more importantly, with the policy body tasked with enforcing immigration laws, the Border Patrol.

In an important respect, growers could position themselves discursively on the same side as undocumented workers, as adversaries to the Border Patrol, also with much to lose from Border Patrol raids and deportations. (Of course, workers had much more at

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<sup>147</sup> Mine is not the first work to compare U.S. Southern formations and South Texas. For a work that employs a more sustained comparison between the two regions, see: José E. Limón, *American Encounters: Greater Mexico, the United States, and the Erotics of Culture* (Boston: Beacon Press, 1998).

stake and much more to lose.) Instead of viewing growers as repressive employers willing to exploit workers' illicit status to pay extremely low wages, growers created the contexts for sympathetic, though asymmetrical, bonds between themselves and workers. Workers must have been aware of growers' collusive relationships with the Border Patrol. That awareness, and the perception that growers could provide an element of protection from the Border Patrol, in fact, formed the basis for any sense of reciprocity that might existed between growers and workers. Noe Magallan claimed, for example, that Carroll Norquest personally knew the Border Patrol officers, and was friends with them.<sup>148</sup> In this way, workers considered any apparent grower collusion with Border Patrolmen as personal and idiosyncratic, an example of Norquest cleverly getting around the system, instead of systemic and consistent. Judging from the preponderance of undocumented workers in South Texas during the summer peak of cotton harvesting, and how fundamental these workers were to the base of agricultural labor in South Texas, these idiosyncratic personal relationships between growers and Border Patrolmen, *was* the system.

In his unpublished manuscript, "The Swarming of the Wetbacks," Carroll Norquest explored the collusion between Border Patrol officers and growers developed through personal relationships between the two, feeling they belonged to the same social world in which cooperation was expected. In "Lemonade Parties," Norquest described an account of a conversation he overheard between two farmers while waiting at the cotton gin at the end of one harvest season.<sup>149</sup> One summer, in the early 1950s, as a grower and his work crew were picking cotton, a Border Patrol officer raided the field one Tuesday,

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<sup>148</sup> Noe Magallan, interview by author, June 2, 2010.

<sup>149</sup> Carroll Norquest, "Lemonade Parties," in "The Swarming of the Wetbacks," unpublished manuscript.

rounding up the crew for questioning. The grower and Border Patrol officer, having never previously met, somehow recognized each other. After a bit of conversation, they realized they had served in the same Air Force unit during World War II. As the two caught up on old times, “the people watched and waited. “What was up? Son amigos! Que curioso—How strange.””<sup>150</sup> Workers noticed the interplay between the grower and the Border Patrol officer, their personal connections formed somewhere outside the formal relationship of law enforcement and citizen. According to the story, the Border Patrol agent rued that he had to remove the workers from the field, and as he was explaining the need, he came across a solution to his social difficulty. He offered to wait and come back to the field on Friday, after the work was completed, if the workers promised to be there. He returned on Friday with a paddy wagon to haul the workers to the border and initiate the process known as voluntary departure, in which workers were dropped off at the border without going through formal deportation procedures. While everyone waited, the grower mixed up batches of lemonade, which everyone, including the Border Patrol officers, enjoyed. The workers returned to work on Monday morning, and this process was repeated every week during the harvest. As Norquest sardonically commented, “the people got a free ride home,” and the Border Patrol officer got a “bunch of sure entries in his book—not loafing on the job!”<sup>151</sup>

The collusion that patterned the interactions in “Lemonade Parties” benefited the grower, since his harvesting was in no way interrupted. The Border Patrol agent also benefited, logging a large number of apprehensions each week with very little trouble, and may have influenced his overall strategy of enforcement. That is, the patrolman may

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<sup>150</sup> Ibid. Carrol Norquest did not italicize the Spanish words and phrases in this quote, and I have kept the style consistent to the original.

<sup>151</sup> Ibid.

not have troubled with patrolling the rest of the week if he could count on a certain number of workers through their arrangement. The workers “got a free ride home,” whether they wanted one or not. On the other hand, their wages were protected, to a certain extent, by being able to work uninterrupted during the week. Those workers determined to avoid apprehension could refrain from going to work on Friday, but enough workers had to be there, awaiting the Border Patrol officer, in order for the arrangement to function.

### **CAMPING OUT IN THE BRUSH**

Because growers did not have official authority over workers’ legal status, a status which placed them in a position of social vulnerability, then they also had no clearly defined social obligations to look after a worker’s well being. Since workers bore the fault for their own social vulnerability, through violating immigration laws, did growers feel obliged to provide a certain basic standard of living for workers laboring and living on their farms? Any act farmers performed that mitigated workers’ difficulties, by providing camp stoves for cooking, tarps for makeshift tents, and the like, might have been interpreted by workers as extraordinary instances of kindness and generosity.

The summer cotton season was the busiest time of year on the Norquest farm, when Carrol Norquest had to accommodate between thirty and fifty additional people on his forty-acre homestead for a period of several months. The issue of housing—where the workers would live—highlighted both the question of farmers’ obligations to their workers, as well as the wide social distance between farmers and workers inhabiting the same domestic space. When Carrol’s parents made the decision to make the move to South Texas, they traded their farmland and the nineteenth-century era house in Kansas,

for forty acres with a large house on it and other edifices and outbuildings, including a barn. Though the main house was in some disrepair when they acquired it in the 1920s, it had once served as a showplace for one of the numerous land development companies, a destination point during the sales pitch to convince prospective landowners from the Midwest about the potential prosperity of South Texas's nascent agricultural industry.<sup>152</sup> The substantial two-story house comfortably accommodated Carrol Norquest and his wife's large family of seven children.

The property also contained a couple of other houses, which Norquest used for both his year-round and seasonal workers, though his entire workforce could not be accommodated in them. Although most of the workers were men, some women also worked in the fields alongside the men. In addition, several women came with the group, and although they did not work in the fields, they cooked meals for the workers and washed their clothes, charging a small fee to each worker for their services. The larger of the houses could hold between twenty to thirty workers according to Noe Magallan. This is where the women of the group slept, along with some of the men, all sleeping on the floor on the cotton sacks they used for the daily picking since Norquest provided no beds for them. The rest of the men slept outside with their cotton sacks spread out "among the weeds" and under the open sky near the house.<sup>153</sup> Carrol Norquest sometimes provided canvas tarps that workers set up to provide some protection from the elements. Workers set up the camps within the rows of the citrus orchards or in the ten acres of brushland across the road from Norquest's home, far away from the road and covered by enough dense foliage to shield themselves from any passing Border Patrol vehicle.

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<sup>152</sup> Kelly Norquest, interview, June 4, 2010.

<sup>153</sup> Noe Magallan, interview, June 2, 2010.

Living in this kind of housing, which ranged from rudimentary to non-existent, elicited some envy among the young male members of the Norquest household, who often wished they could leave the comfort of their solid house to camp out in a manner similar to the workers.<sup>154</sup> Living outside in the heat of the South Texas summer and among the elements held some romantic appeal of adventure for the youngsters, who had the luxury of choice the workers lacked. Sometimes after the sun had set on a long day in the cotton fields, Norquest's teenage sons Kelly and Rikki would make their way to the workers' camps to hang out and horse around. Kelly remembered the good times they had during these evenings. The workers demonstrated generous hospitality, offering them a share of whatever they had cooked, either over an open fire, or on the kerosene-fueled camp stoves that Norquest provided for his workers, and expressing disappointment if the boys refused the food.<sup>155</sup> Though these evenings of "horsing around" and eating together may have strengthened the ties of intimacy between the Norquests and the workers, and perhaps demonstrated feelings of genuine liking on both sides, these instances of non-work social interaction did not necessarily denote a lessening of social distance between the two. What may have been permissible social interaction between the young Norquest boys, who viewed the exchange in a manner of a summertime adventure, and the Mexican men of various ages gathered by their evening campfire, may not have been considered proper between Carroll Norquest and the workers.<sup>156</sup> In fact, of

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<sup>154</sup> Kelly Norquest, interview.

<sup>155</sup> Rikki Norquest, prefatory material.

<sup>156</sup> The fact that the boys were teenagers is significant because they were in the liminal stage between childhood and manhood, old enough to work and perhaps feeling the need to establish good relationships with workers, but since they were living under their parents' roof, they did not ultimately hold the positions of highest male authority within the household. Carey McWilliams describes a similar anecdote in which California growers romanticized the temporary, camp-like housing for seasonal agricultural workers, when "all the camp gathers together then and the pickers sing and play banjos, and they make love and gossip—and turn at all hours of the night,

all the descriptions of demonstrations of hospitality—Carrol visiting the Magallanes in their family home in Rancho Grande, some workers occasionally eating dinner in the Norquest home, and of course, the evenings of fun by the fire—there was never a mention of Carrol Norquest partaking of workers’ hospitality at their tarp-covered camps on his own land.<sup>157</sup> Was this omission significant, or merely incidental?

This method of housing seasonal undocumented workers under tarps as their sole source of shelter was far from uncommon and did not necessarily depend upon the size of the farm. Engelmann Gardens, a large farming operation encompassing over ten thousand acres of citrus orchards, cotton fields, and vegetable crops contained a large permanent labor camp of small houses for their year-round workers and their families. According to Ida Montalvo née Rivera, who worked in the payroll office of the massive agricultural operation, all of the people living in the permanent structures were either Mexican American or Mexican nationals legally residing in the United States.<sup>158</sup> In her position cutting checks to all the agricultural workers at Engelmann Gardens, she never remembers writing out a check to anyone who was not a legally sanctioned worker. Yet, judging from the many letters of complaint from Engelmann Gardens’ General Manager, A.L. Cramer to his many friends and acquaintances within the U.S. Congress about the Border Patrol’s heavy-handed tactics in raiding his operation, clearly a portion of his workforce was undocumented. Furthermore, according to Ida’s husband Alex Montalvo, many of these workers lived at Engelmann Gardens, staying under tarps deep within the citrus

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always good-natured and jolly and care-free for a season at least.” McWilliams, *Factories in the Field*, 173.

<sup>157</sup> Taken from Carrol Norquest, Rio Grande Wetbacks; “The Swarming of the Wetbacks;” Kelly Norquest interview; and Noe Magallan interview.

<sup>158</sup> Ida Montalvo and Alex Montalvo, interview by author, audio recording, Elsa, Texas, Feb. 1, 2009.

orchards, away from the roads and the Border Patrol's monitoring.<sup>159</sup> Even on one of the largest agricultural operations in South Texas, undocumented agricultural workers had to live in the same kinds of spaces as workers on smaller sized farms, such as the Norquest farm. In these two cases, then, the differing size and prosperity of the agricultural operations did not materially affect undocumented workers' living conditions.

Workers and growers negotiated the complex and contradictory space of mutual expectation in South Texas agriculture. When asked if he minded sleeping outside using a sack for his only bedding during the cotton season on Carroll Norquest's farm, Noe Magallan said that he did not mind, because it was during the summer, so the weather permitted such sleeping arrangements.<sup>160</sup> Besides, Magallan added, Norquest was so good to them they did not like to ask him for anything. Because Norquest successfully kept the same workers returning to his farm year after year, with younger members of the same kinship network going to work there when the others had moved on, Noe's view of his employer may have been the dominant one. Angelica Magallan née Castañeda, reflecting on her memories of going to the Norquest farm with her mother on weekends and on the experiences of her future husband, Tomás, as a laborer on the Norquest farm, described the entire experience as "beautiful."<sup>161</sup> She was convinced that Mr. Carroll Norquest was now "well-seated in heaven" beside her Christ because he was such a good boss.<sup>162</sup> To support her contention that he was a good *patrón*, Angelica Magallan

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<sup>159</sup> Ibid.

<sup>160</sup> Noe Magallan, interview.

<sup>161</sup> Angelica's descriptions of life on the Norquest farm generally correspond to her overall memories about her life as a youth living in her parents' home in Rancho Grande. To her, that entire time was beautiful in comparison with the contemporary period. Angelica Magallan, interview by author, audio recording, Palmview, Texas, December 14, 2009.

<sup>162</sup> In Spanish, the word *patrón* can mean boss, with its emphasis on capitalistic employer-employee relationships, or master, a more coercive relationship based on unfree labor. The ambiguity of that word, in this context, is interestingly suggestive of the blurred boundaries between free and unfree labor.

provided examples that were not about wages or working conditions strictly within the workday. The workers never lacked for anything, she claimed. If a worker did not have food, Mr. Norquest would take them to the store, or he would give them a ride into town if they needed it.

Norquest had at least some experience with workers who objected to their working conditions, but Norquest narrated even these instances of worker discontent within the relations of paternalism. In his prefatory material to chapter eight of his unpublished manuscript, Norquest noted the reactions of some workers to the signs of his wealth that seemed obvious to them. In the chapter entitled, “Mejicanos Inocentes,” (Naïve Mexicans), he described a scenario in which a Mexican worker, “a non-thinker” might be vulnerable to a “demagogue” who would “supply ready-made thoughts,” and make him feel unsatisfied with his lot in life.<sup>163</sup> Once under the influence of such demagogues, according to Norquest, the worker:

Glances around in disbelief at my car, my pickup, my tractor, my big house. He can’t picture me as not having money in my pocket—plenty of it. A man with many visible possessions must have plenty of money. Notes, debts, taxes. His experience does not cover the agony of debts. He thinks I’m lying to him. Later, the agitator will encourage this belief. “El Patron is lying. He is keeping you down on purpose.” It doesn’t occur to him or his friend the agitator—that all he has to do to relieve himself of the situation (exploiting to forever hold him down) is to go back to where he came from.<sup>164</sup>

First, by deflecting the origins of such discontent onto an outside agitator or demagogue, Norquest preserved the image of a fully functioning ethic of paternalism at work on his farm, which necessitated the belief of perfectly content workers. Thus

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<sup>163</sup> Carroll Norquest, “The Swarming of the Wetbacks,” unpublished manuscript. From preface, chapter 8, “Mejicanos Inocentes.”

<sup>164</sup> Ibid.

according to Norquest, the worker could not have formulated the critique on his own, within the context of his own experiences working on the farm, it was his inability to think, his childlike simplicity that made him fall prey to those seeking to make trouble. Second, by positing that the worker's mistaken assumption of Norquest's wealth was based on the worker's naïveté about the complex processes of debt, Norquest again discounted the worker's intelligence and negated any past experience the worker may have had with debt, making him a blank slate to be instructed by others. Finally, in his dismissal of the worker's critique by pointing out how easily he could "go back to where he came from," Norquest clearly sketched out the social terrain as he saw it: workers could leave if they chose, but if they did not leave, they had to submit to the wages and conditions determined by growers.

Though changeable, unpredictable, and erratic, the forces threatening undocumented workers kept many workers from venturing very far from the farm, further strengthening workers' dependence on the farmer for their daily necessities of life. During the cotton season, some workers such as Noe Magallan rarely left the farm. He worked six days a week and did not go to town even on his day off. He explained his reluctance to go in to town by pointing out that they were there to make money, not spend it on entertainment on the weekends. That desire to save money, while perfectly understandable, does not fully explain why he would not even go to town to purchase food and other supplies. The Norquests believed it was out of fear of being caught by the Border Patrol on their journey to and from town, or while they were in town. Therefore, it became part of Carroll and his wife's duties to purchase food for their workers. Workers wrote down their orders on pieces of paper—for coffee, flour, beans, etc.—and Carroll or

his wife would travel into town to fill the orders.<sup>165</sup> Workers would then pick up their groceries from Norquest's house, at which time they would pay their bill, or have it garnished from their wages on Saturday, their pay day.

A deviation from this seemingly workable arrangement, unwelcome from Carroll Norquest's perspective, opens a small window to reconsider the neat transaction recounted above. In "Arabe Peddlers," Norquest described new strategies the town's shopkeepers developed to reach out to his workers. Recognizing the difficulty for workers to get to town, some shopkeepers decided to come out to the workers directly, packing up an assortment of goods in their cars and driving out to the farms. Norquest disapproved of the poor quality and high prices of the items and tried to discourage his workers from purchasing from the traveling shopkeepers, offering to take them into town himself so they could get better deals:

I made several attempts to chase these peddlers off—tried to keep my 'Hands' from buying. I couldn't. I couldn't patrol my people all the time! The peddlers would slip in anyway—and my people were happy to be found. After all it was their money after I'd handed it over to them.<sup>166</sup>

Why might workers have been willing to pay higher prices to these door-to-door vendors? Was it as Norquest surmised, that they were unable to "withstand the pressure of these aggressive sales people," and that they were "flattered" at receiving such personalized service?<sup>167</sup> Or perhaps they just wanted to exert a bit of autonomy in making these purchases, outside of the reach, the eyes, and judgment of the *patrón*?

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<sup>165</sup> In recounting this story, Noe Magallan pointed out that Carroll Norquest could speak Spanish very well. One example of his fluency was how Norquest sometimes corrected the spelling on the workers' grocery lists. Noe Magallan, interview by author, audio recording, Reynosa, Tamaulipas, January 18, 2010.

<sup>166</sup> Norquest, "The Swarming of the Wetbacks," unpublished manuscript.

<sup>167</sup> Ibid.

During 1947 the mid-Valley daily, the *Valley Evening Monitor* published a series of editorials discussing workers' living conditions, as well as farmers' responsibilities to them, within a larger discussion of the imminent introduction of the bracero program in the Rio Grande Valley. In considering the prospective changes the bracero program could bring to workers' conditions, the author of the editorial opened up a view into the labor system status quo. In order to encourage South Texas growers to participate in the program the Border Patrol had recently announced a crackdown on illegal labor, a sharp turn from their normal operations. Their usual efforts, the author claimed, did not stop workers from coming to the region, "beyond the point which the Immigration Service felt was necessary to keep up appearances."<sup>168</sup> Despite growers' resistance to the Mexican government's stipulations, the author couldn't blame the Mexican government for insisting that employers provide housing for their workers. According to the editorial, the Mexican government was well aware that "thousands of farm workers, if not provided housing, will be forced to live in makeshift camps in the brush and along canal banks."<sup>169</sup> This scenario, however, did not describe a prospective scene of increased numbers of Mexican migrants working in South Texas. Since the agricultural economy in South Texas was already heavily dependent on undocumented workers, the editorial claiming that "many of the Valley's biggest farms are operating with wetback labor almost exclusively," then it is clear that workers were already living in the conditions of makeshift camps along canal banks.<sup>170</sup>

If many seasonal undocumented workers were forced to live in substandard housing, either on growers' lands, or along public right-of-ways, what did this say about

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<sup>168</sup> Editorial, "Inviting a Labor Deluge?" *Valley Evening Monitor*, March 23, 1947.

<sup>169</sup> *Ibid.*

<sup>170</sup> *Ibid.*

growers' sense of obligation to their workers? In another newspaper editorial, the writer posed questions about farmers' obligations to do more for their workers, bringing the notion of paternalism into public debate. While growers associations and government officials of both the United States and Mexico took up the issue of the low prevailing wages for agricultural work in the Valley (between twenty and twenty-five cents per hour), the author took time to consider the wage rate:

A man working for 20 cents an hour will earn \$2 in a 10-hour day. If he works six days per week, he will earn \$12 per week. If such a man is single, and doesn't smoke or drink an occasional bottle of beer, and if he never has to visit a doctor or dentist, and buys only those clothes he needs to hide his nakedness, he can live on \$12 a week. That is, he can buy enough food to keep alive, always providing of course that he abstains from such delicacies as beefsteak and butter. But suppose such a man has a wife. And maybe a couple of kids. Could he feed them well enough to ward off rickets on \$12 per week? Could he send the kids to school, particularly on those cool days when us rich folks wear shoes?<sup>171</sup>

The writer continued:

It is not a farmer's responsibility, of course, to worry about whether any of his workers can afford shoes for their children.<sup>172</sup>

If, indeed, it was not the farmer's responsibility that workers earn a wage that could support them and their families, then who held that responsibility? By rejecting the notion that growers were obliged, by an ethic of paternalism, to take care of their workers, the editorial author judged that the state had a responsibility to do so, a difficult and rather unprecedeted proposition since the workers' illegal status kept them outside of the state's regulatory purview.<sup>173</sup>

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<sup>171</sup> Editorial, "Can We Afford Cheap Labor?" *Valley Evening Monitor*, April 20, 1947.

<sup>172</sup> *Ibid.*

<sup>173</sup> Save for a few notable exceptions, the federal government refused to regulate the wage rates and working and living conditions of agricultural workers during the first half of the twentieth

Growers bitterly resented both governments' attempts to intervene on the Mexican agricultural labor issue in South Texas. Growers used an argument about a natural law of supply and demand, workers needed jobs and they needed workers, to demonstrate the mutual benefit of the present arrangements for both parties. And while many growers felt and expressed a strong sense of paternalism, which they touted to idealize the workers' conditions in South Texas, it was not a complete process of mutual and clearly defined sets of obligations. The mutual set of obligations and responsibilities which historically governed paternalistic agricultural relations based on coercion and immobility—food, shelter, and care in old age in return for a lifetime of labor—was complicated by the unique circumstances surrounding Mexican undocumented agricultural workers in South Texas. Undocumented workers' illegal status was *based* on their irrepressible mobility, in that they crossed the border without official authorization from either government. While they resided in the U. S. border region, however, they lived their daily lives in a space of a kind of conditional immobility based on the ever-present threat of capture and deportation. Therefore, the unequal relations of power that characterized paternalistic relationships based on workers' immobility was compressed into the short period of growers and workers' social and economic transactions—a couple of months or a period of years, and not an entire lifetime. That period, however short, was important, because it set the prevailing wages and physical and social conditions for an entire region.

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century. While the federal government recognized workers' right to organize through the National Industrial Recovery Act (1933) and set up a social safety net for workers with the Social Security Act (1935), agricultural workers were consistently excluded from such protections. One important exception was the Farm Security Administration's establishment of federal labor camps for agricultural workers. For more information regarding the FSA labor camps see, Verónica Martínez-Matsuda, "Making the Modern Migrant: Work, Community, and Struggle in the Federal Labor Camp Program, 1935-1947" (Ph.D. diss., University of Texas at Austin, 2009).

## A TRANSBORDER FAMILY AND COMMUNITY

Young Noe's nighttime trek across the border to Carrol Norquest's farm in the early 1950s as a teenager was not the first time he had crossed into the United States for seasonal agricultural employment. Rancho Grande's location along the southern banks of the Rio Grande made crossing into South Texas a very accessible option. Furthermore, the many different experiences Noe had as a migrant laboring in agriculture—working with extended family crews under a Mexican crew leader, working as an undocumented migrant for Carrol Norquest, and as a bracero for Carrol Norquest and others, represents the complex patterns of seasonal migration that characterized the picture of Mexican labor migration to the United States during the mid-twentieth century. Noe's varied experiences also represent the different options he had in employment, and the specific limitations he faced. Being part of a large, extended family that had straddled the U.S.-Mexico border for generations, Noe Magallan accessed the vast transborder kinship network in order to maintain his life and his family relationships. Even while working on Carrol Norquest's farm, with his freedom of movement circumscribed by the threat of deportation by the Border Patrol, and living in less than ideal conditions for very low pay, Noe and his family negotiated within the context and logic of Carrol Norquest's paternalism to maintain their own wide kinship networks and family relationships.

Noe first began crossing the river as a youth of eleven or twelve years in the late 1940s to work in the fields, though keeping closer to home during the first few years. Staying with relatives in Granjeno, an equally small community located directly across Rancho Grande on the northern banks of the river, Noe worked in the nearby tomato fields during the summers. There he might have formed part of a larger agricultural crew made up of relatives and neighbors from both sides of the river, headed by a labor contractor also from the same community. During the short season he would stay with an

aunt, mixing among cousins and temporarily joining her family, but within easy reach of his own parents a short distance away.<sup>174</sup> As a Magallan, Noe formed part of a large extended family with roots on both sides of the Rio Grande, in South Texas and Northern Mexico. The Magallanes had migrated to the northern frontier during the mid 1800s, from a small community further south, Concepción de Oro, in the state of Zacatecas.<sup>175</sup> Once they settled in Rancho Grande, then a small village situated on the southern banks of the Rio Grande near the larger town of Reynosa, they began to intermarry with the various families in Rancho Grande and the surrounding *ranchos* on both sides of the border.

In the early 1950s, by the time Noe Magallan was a young man, the extended Magallan family network had already established a consistent seasonal migration to work for Carroll Norquest near Edinburg, Texas. Established through a family connection, Noe's older cousins and neighbors had begun to form the bulk of Norquest's work crews. Carroll Norquest typically hired a few workers to work on his farm year-round, then hired seasonal crews of workers during peak harvest periods. One of his year-round employees was Senaido Olguin, who lived in a house on the Norquest property, with his wife, Tomasa Macedo de Olguin, and their children.<sup>176</sup> Tomasa's sister was a Magallan by marriage, and thus formed part of the large Magallan kinship network. Once the initial contact was established, various members of the Magallan family, as well as other families from Rancho Grande, traveled to Edinburg on a consistent basis, forming Carroll Norquest's work crews and working for Carroll Norquest's brother-in-law as well, Eddy Nordmeyer, who also farmed nearby.

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<sup>174</sup> Noe Magallan interview by author.

<sup>175</sup> Alberto Magallan, interview by author, audio recording, Granjeno, Texas, December 29, 2009.

<sup>176</sup> Angelica Magallan, interview by author, December 14, 2009.

Though Carrol Norquest sometimes described his workers as unintelligent and childlike, and even directionless, the complex and overlapping transnational migrations the members of the Rancho Grande community undertook to maintain their seasonal work required a large amount of planning and cooperation. The planning that went into the decision-making process to migrate involved the participation of several members of a family, including the mother, father, and adult children. Furthermore, the ways in which the Rancho Grande families maximized their earnings by keeping as much of their money within the family network, demonstrated a great deal of resourcefulness. In relating the story of her husband Tomás Magallan's seasonal migrations from Rancho Grande to the Norquest farm as a young man, Angelica Magallan explained that Tomás and his two brothers Marcelino and Carlos all did stints with the Norquests even though they each owned their own piece of farmland in Rancho Grande. Because their father was still alive and still strong, however, he was capable of tending their lands as well as his own while his sons spent the harvest season on the Norquest farm. After the end of the season, they returned to Rancho Grande with their earnings, and again took up the reins of their own land.<sup>177</sup> Tomás Magallan's father agreed to look after his sons' plots and his sons contributed their earnings to a family who otherwise relied on subsistence farming for survival.

Rancho Grande migrants also found other ways to maximize their earnings and keep them within their families as much as possible. Angelica Magallan remembers being a young girl of eight and traveling with her mother from their home in Rancho Grande to the Norquest farm every weekend. Her two brothers, Antonio and Mauro Castañeda, were working with the Norquests that season in the late 1940s. On Friday afternoons,

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<sup>177</sup> Ibid.

Angelica's mother collected young Angelica from school, and together they boarded the bus from Rancho Grande to nearby Reynosa. In Reynosa, they took another bus across the border to McAllen, and from there, another to Edinburg. Once they reached the bus station in Edinburg, Mrs. Castañeda phoned the Olguin house, and Mrs. Olguin sent her husband Senaido to pick them up. Angelica and her mother stayed with the Olguin family during the weekend. Both Mrs. Castañeda and Mrs. Olguin spent the weekend doing the laundry and ironing for the young Castañeda and Magallan men. While Mrs. Castañeda presumably did not get paid for doing her sons' laundry and ironing, Mrs. Olguin could expect to receive a small sum for her services. In addition, Mrs. Castañeda cleaned the men's quarters, described by Angelica as barracks, and the other men did pay her for the cleaning. On Sunday afternoons, Angelica and Mrs. Castañeda returned to their home by the same route, stopping in the shops in Reynosa to purchase food from her earnings to take back to Rancho Grande.<sup>178</sup>

Since Noe Magallan also related an instance of his mother accompanying him and their kin to the Norquest farm to perform similar duties, it seems probable that women from Rancho Grande often fulfilled this role.<sup>179</sup> Having some of the workers' mothers travel to the Norquest farm to spend some, or all, of the season, is important for a number of reasons. First, their labor, some of which was paid, some which was not, ensured that the workers' wages stayed within the Rancho Grande kinship network. Through this practice, only the money workers spent for food or other incidentals left the family circle. Otherwise, the workers got to keep their money, or if they paid for laundry services and cleaning, the money went to perhaps an aunt, cousin, or neighbor. Having the ability to extend their money in this fashion may have been a determining factor in migrants'

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<sup>178</sup> Ibid.

<sup>179</sup> Noe Magallan, interview, June 2, 2010.

decisions to stay close to home. While they might have received higher wages further north, their living expenses also increased. Secondly, in addition to the monetary considerations, the emotional sustenance that their mother's presence gave them cannot be overlooked. Instead of the homesickness and loneliness endemic to seasonal migration far from home, these migrant farm workers were able to enjoy frequently visits from their younger siblings and their mother.

The workers from Rancho Grande negotiated the social laboring space loosely built around the ideas of the family, in a kind of South Texas-style paternalism, to maintain their own family and kinship relationships. They helped strengthen family bonds that carried them through other periods in their lives that extended beyond the period in which the Magallanes worked for the Norquests. For example, Angelica related that after she married Tomás Magallan and had her two sons, she and her husband decided to move to South Texas permanently in 1968.<sup>180</sup> When they moved, they stayed with the Olguin family, who had long since stopped working for the Norquests, and bought a house in town in McAllen. Tomás, Angelica, and their two boys stayed with the Olguin family until they could find an appropriate apartment to rent. The relationships, which Angelica and her mother had nurtured while on the Norquest farm spending all those weekends with the laundry and the ironing, stood them in good stead for years after their experiences there.

Noe and Angelica's narratives of migration—depending on extensive family networks and cooperation for survival—differed sharply from Carroll Norquest's

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<sup>180</sup> Angelica Magallan interview. She discovered in the course of casual conversation while visiting relatives in Granjeno, Texas, that her father had been born, raised, and married in the United States, and moved to Mexico just after he married. Her father's U.S. citizenship made it easy for her to obtain her U.S. citizenship, and through her, U.S. citizenship for her husband and two sons.

interpretation of workers' migration decision-making process. In the preface to his book, *Rio Grande Wetbacks*, which he originally wanted to title The Swarming of the Wetbacks, Norquest described the meaning behind his choice of titles. Informed by his early experiences as a young farmer trying to raise bees, Norquest compared Mexican workers' migrations to those of bees.

When bees swarm, they merely divide. They allow a queen to develop. When this queen decided to leave, half of the bees went with her. Their pasture will not support all of them. But they know nothing of where they are going—what direction—how far—or when they'll get there. They just go...Compulsion, ignorance of route, a total disregard of the location and their ultimate home base of operation...This is an accurate description of the early wetbacks.<sup>181</sup>

According to Norquest, undocumented workers' migration processes were not based on logic or knowledge about their destination, but on a presumably ingrained compulsion. Furthermore Norquest seemed not to recognize the complex kinship networks that Mexican migrant workers accessed and maintained so successfully by disparagingly likening their family migrations to a swarm of bees.

By the time Noe Magallan turned seventeen years old in 1955, he had been accompanying his mother, brother, and other relatives and neighbors to work at the Norquest farm for three years. In 1955 Noe went to work without his mother and immediate family members, though he still worked in a crew of about twenty people, made up of neighbors and kin from Rancho Grande. According to Noe Magallan, 1955 was different from earlier years, when Border Patrol enforcement was a sham that allowed growers to get their crops harvested. This time, the law cracked down.<sup>182</sup> "The

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<sup>181</sup> Carroll Norquest, Prefatory Material to "The Swarming of the Wetbacks."

<sup>182</sup> Noe Magallan interview.

order was given [that] now there is no defense.”<sup>183</sup> But the work crews continued to work and evade the surveillance. They went out to the fields very early in the mornings, and they returned to pick at night sometimes by the light of the moon “if there was a pretty moon,” since the cotton was white and would be visible. If they went out to pick in the early mornings, workers gathered the cotton into mounds and covered the mounds with weeds, so as to be invisible from above and out of the sight of Border Patrol flying in planes overhead.

The work crews had almost made it through the entire cotton harvest season before they were caught by the Border Patrol while they were out working in the fields. Though they tried to hide amongst the cotton plants, they were apprehended and rounded up, and locked up in a detention facility a few miles away in McAllen, Texas. This detention facility, called the Corralón, or pound, was enclosed by a high fence, and contained barracks for sleeping and bathrooms. Noe and his companions were detained at the Corralón for two or three days, while Border Patrol agents waited to apprehend enough people to fill one load. After a couple of days of waiting, the workers were boarded on a bus and, in Noe’s words, “thrown across” the border in Ciudad Juarez, about 1200 miles away from his home in Rancho Grande.<sup>184</sup> Rancho Grande was

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<sup>183</sup> Ibid. This change in Border Patrol policy was part of a larger coordinated effort, named Operation Wetback, to deport Mexicans working illegally throughout the Southwest, beginning in California and moving east through Arizona, New Mexico, and then Texas. Though much of the publicity for this military-style campaign focused the nation’s attention on Border Patrol activities along the U.S.-Mexico border during the summer of 1954, scholars have argued that some of these techniques began earlier than 1954 and continued well after that summer. For more information regarding Operation Wetback, see Juan Ramon García, *Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954* (Westport, CT: Greenwood Press, 1980); and Kelly Lytle Hernández, *Migra!: A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010).

<sup>184</sup> The word Noe consistently used during the course of this account to describe being deported, or sent across the border by the INS was *aventar*, saying for example, *nos aventaron por allá en Ciudad Juárez*. He used the same word to describe being sent to the detention facility in McAllen as well, and the process of being deported in general. The word conveys a particular physicality,

located less than five miles from the international bridge at Hidalgo, Texas. At the time, Noe recounts, the Border Patrol was also taking people by boat to Veracruz, or by plane to Irapuato, Guanajuato.<sup>185</sup> In 1945, the United States and Mexican governments agreed to work together on the process deporting Mexican citizens back to Mexico, an attempt to decrease easy return migration to the United States. Under this arrangement the Border Patrol transported workers to various border points, and the Mexican government paid for their transport by train to points inland: Torreon, Coahuila; Monterrey, Nuevo León; and Jimenez, Chihuahua.<sup>186</sup> This is exactly what happened to Noe. Noe and his companions were given tickets for transportation to Torreon, Coahuila, from whence they pooled their money and made their way home to Rancho Grande, Tamaulipas. The INS classified Noe's deportation in 1955 as a voluntary departure, a mechanism INS officials used to deport people without having to go through the time and expense of the administrative hearings associated with formal deportation.<sup>187</sup> Though informal, Noe Magallan's deportation when he was seventeen years old still contained the violence and humiliation of forced expulsion, the memory of which was graven clearly in the mind of a seventy-three year old man.

## CONCLUSION

In the case of Noe Magallan, he was deported only one time in his life, yet the threat of deportation hovered over constantly, having a significant impact on agricultural

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and even violent action, different from *nos mandaron a Ciudad Juárez* (they sent us) or *nos llevaron a Ciudad Juárez* (they took us).

<sup>185</sup> Ibid.

<sup>186</sup> Hernández, *Migra!*, 127-130.

<sup>187</sup> In the following chapter I will more closely examine the policy of voluntary departure as a border enforcement mechanism the Border Patrol used to facilitate a flexible labor migration at the U.S.-Mexico border.

relations in South Texas between growers and workers. Growers, who sought to take advantage of the Border Patrol's collusive methods of enforcement, represented their farms to undocumented workers as spaces of protection from law enforcement. Within the intertwining of the Border Patrol's federal authority to enforce immigration laws and growers' traditional sources of power derived from patriarchal notions of agricultural relations, growers created paternalistic images of themselves in relation to workers. That calculus of power, however, was based on the worker's undocumented status and the Border Patrol's presence policing the social space of the border. The introduction of bracero program in South Texas which legalized formerly illegal workers, as well as the Mexican government's pressure on the Border Patrol to change their approach to border enforcement threatened to undermine growers' power base, and transform social relations between growers and workers in South Texas. The promise of the bracero program notwithstanding, undocumented Mexican migrants negotiated the space of growers' paternalism to nurture and sustain their own transnational family networks, undertaking a number of border crossings even in the context of their compromised mobility.

## **Chapter Three: The Flexible Border: Mobility Within Restriction in U.S. Immigration Laws and Enforcement**

Trailing after a group of Mexican workers on September 24, 1947, U.S. Border Patrolman John P. Longan reached a farm in Doña Ana County in southeastern New Mexico bordering El Paso.<sup>188</sup> Longan entered the property of farmer E. N. Crossett and apprehended the fifteen workers he had been following for not having the necessary documentation authorizing their presence in the United States. Crossett violently objected to the patrolman's actions and a fight broke out between the two men on the road outside Crossett's property, Crossett later claimed that Longan had broken his nose. According to Longan, Crossett's attack was unprovoked—Crossett cursed at him and struck him in the face. For his part, Crossett did not dispute the sequence of events, saying, "I admit hitting Longan, but after the name he called me, I feel that I was justified in doing so." Despite his broken nose, Crossett, himself a former Border Patrolman, felt the incident portended more important issues than a mere dust-up between himself and Patrolman Longan, wondering "whether or not the American people are going to live under the Gestapo method," referencing the Third Reich's notorious police force, a still-fresh memory in the immediate post-war period.

Crossett's concerns—and those of members of the New Mexico Farm and Livestock Bureau who fired off telegrams to U.S. Senator Carl Hatch's office and

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<sup>188</sup> The following account was taken from the *El Paso Herald Post*, "Farmers Charge Border Patrol Raids Farms," Sept. 25, 1947; "Dona Ana Farmers Will Contract Juarez Laborers," Sept. 26, 1947; and the *El Paso Times*, "Valley Farmer Says Patrolman Beat Him Up," Sept. 25, 1947; "Federal Man Says Farmer Began Fight," Sept. 26, 1947; and "30 Patrolmen Round-Up 'Wetbacks,'" Sept. 27, 1947.

Representatives Lusk and Fernandez—centered on two distinct, yet interrelated claims: that the U.S. Border Patrol was engaging in raids on farms in Doña Ana County to search for undocumented agricultural workers, and that they were doing so without warrants or permission. Telegrams from the Farm Bureau charged the Border Patrol with “unjustified and illegal tactics,” and asked public officials to intervene on their behalf. New Mexico grower, Mrs. H.C. Mandell also likened the Border Patrol to the Gestapo, claiming that the “Gestapo has struck again—they took all our cotton pickers.” Invoking a fundamental principle of American democracy, Mrs. Mandell recommended that District Director Grover C. Wilmoth’s “attention...be called to our Fourth Amendment in the Constitution, assuring us of no search without a warrant.” W.P. Thorpe, the secretary of the New Mexico Farm Bureau wondered aloud to newspaper reporters whether the Border Patrol had the authority to search farms without warrants:

There is still one issue we want settled. That is the right of a border patrolman to search a farm without getting the owner's consent or having a search warrant. It's not constitutional. While it's not likely to come up again, we still want a ruling on it.<sup>189</sup>

Wilmoth also exhibited some confusion about this issue saying, “it is a legal question whether officers can seize aliens on private property.”

In response to a query from Senator Hatch’s office, the El Paso district of the INS initiated an investigation into the quarrel between Patrolman Longan and E. N. Crossett, and organized a meeting in Las Cruces, New Mexico, attended by representatives of area farm bureaus, El Paso District Director Grover C. Wilmoth, as well as Willard F. Kelly, assistant commissioner for the INS in charge of enforcement, who came in from the

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<sup>189</sup> *El Paso Herald Post*, “Dona Ana Farmers Will Contract Juarez Laborers,” Sept. 26, 1947.

central office in Philadelphia to tamp down the commotion wrought by the fight.<sup>190</sup> At the meeting, the Immigration Service agreed to conduct a “re-education program” to teach border patrolmen courtesy in dealing with the public. Secondly, the Border Patrol agreed that they would ask growers for permission to search their properties for undocumented labor. However, if they declined to permit Border Patrolmen to enter their property, the INS would cancel the contracts legalizing the individual growers’ labor.<sup>191</sup>

The fight between E. N. Crossett Patrolman Longan reflected the larger struggle for control over the nature and rhythm of the flow of labor, and thus control over the border itself. What seemed like a chaotic, laissez-faire immigration enforcement policy on the U.S.-Mexico border during the mid-twentieth century was actually an approach to enforcement resulting from years of contestations and negotiations between border growers and the Border Patrol. That approach was also shaped by the limitations of the federal policing body’s authority. The combination of forces melded together to maintain a flexible border open to the movement of undocumented Mexican laborers, while creating a diffuse border zone of broad enforcement potentiality. In other words, immigration laws, immigration enforcement officials, and growers helped create a labor system that encouraged Mexican workers to migrate to work in U.S. agricultural fields,

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<sup>190</sup> “Juarez Workers Move to Farms not in Texas,” *El Paso Herald-Post*, Sept. 27, 1947, pg.1. The headquarters for the Immigration and Naturalization were located in Philadelphia, Pennsylvania at the time. The headquarters moved to Washington, D.C. in 1948. U.S. Department of Justice, *Annual Report of the Immigration and Naturalization Service*, for fiscal year June 30, 1948.

<sup>191</sup> Wilmoth was referring to a new practice, agreed upon by both governments, allowing growers to place undocumented workers already employed with them under legal contract, if growers agreed to the terms and conditions set by the bracero agreement. This practice stripped the Mexican government of the power to control worker recruitment and regulate Mexican emigration, but the government had to deal with the reality of the significant numbers of Mexicans working illegally in U.S. agricultural fields. Otey Scruggs, *Braceros, “Wetbacks,” and the Farm Labor Program: Mexican Agricultural Labor in the United States, 1942-1954* (New York: Garland Publishing, 1988), 323-337.

but were not free from the possibility of apprehension and deportation once they crossed the border.

This chapter will trace U.S. immigration laws in the early twentieth century, to demonstrate how the increasingly restrictive legislation also created loopholes and exceptions temporarily allowing the migration of Mexican workers. This seeming paradox of U.S. immigration law had important consequences for Mexican migrants, because while exceptions to immigration laws created a precedent of Mexican cross-border labor mobility, the underlying legal scaffolding of immigration restriction remained in place, thus defining Mexican migration as tenuous and temporary.<sup>192</sup>

Immigration and border control legislation, testimony given during Congressional hearings, and annual reports published by the Immigration and Naturalization Service, tell a story about Border Patrol's approach to enforcement on the U.S.-Mexico border paradoxically based on flexibility, the facilitation of movement, and ambiguity, rather than deterrence, rigidity, and clarity. From its earliest years, the Border Patrol's mode of operation permitted growers access to undocumented Mexican laborers. Even in cases of deportation, the agency opted for the less rigid voluntary departure mechanism instead of initiating measures of formal deportation. The mechanism of voluntary departure became the INS' most dominant form of expulsion during the 1940s, its speed and ease relative to formal deportation allowed the INS to move a greater number of Mexican migrants back across the border. Furthermore, the light penalties associated with voluntary departure compared to formal deportation created a situation of low risk for workers returning to

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<sup>192</sup> Of course history has shown that many migrants deemed temporary stayed in the United States permanently. They married, raised families, and contributed to the growing Mexican communities across the U.S. Southwest and Midwest. Many of these migrants had to negotiate permanent settlement in the U.S. as undocumented migrants, regularizing their legal status many years after the fact or not at all.

the United States. This chapter examines the INS' increasing use of voluntary departure during the 1940s, arguing that this strategy of border enforcement characterized the U.S.-Mexico border as a space of mobility within restriction.

This chapter also explores the spatial and temporal dimensions of Border Patrol authority. The Border Patrol's decisions about where its territory ended, and which spaces officers considered appropriate for policing, or off limits, had important consequences for Mexican undocumented migrants. The blurred boundaries of INS authority meant that much of the real limits and reach of the Border Patrol were worked out on the ground, in the intimate, daily, back-and-forth interactions between growers and members of the Border Patrol. Growers, Border Patrol officers, and workers were all highly attuned to the complex nature of immigration enforcement. Slight nuances in the where and the when of enforcement efforts made the difference between facilitating, or disrupting a vast illegal agricultural labor system along the U.S.-Mexico border.

### **U.S. IMMIGRATION LEGISLATION AND ITS EFFECTS ON MEXICAN IMMIGRATION, 1917-1939**

Immigration laws became increasingly devoted to restriction during the 1910s and 1920s, yet created exceptions and loopholes to allow for the continued migration of Mexican laborers to the United States, but within limiting and temporary parameters.<sup>193</sup> The Immigration Act of 1917 expanded deportation categories and initiated further

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<sup>193</sup> In beginning this examination of immigration laws in 1917, I do not mean to imply that U.S. immigration restriction first began in this period, as some have argued. I acknowledge Erika Lee's contention that the U.S.'s regime of immigration restriction began in the late 19<sup>th</sup> century, with Chinese exclusion laws. Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era* (Chapel Hill: University of North Carolina Press, 2003).

restrictions on immigration, seeking to exclude low-waged laborers.<sup>194</sup> For example, the new law instituted a literacy test as a prerequisite for obtaining a visa. Even with the ink still fresh on the new immigration law, the U.S. government bowed to pressure from the agricultural industry in the Southwest, and began issuing temporary exemptions in 1917. The Department of Labor waived the eight-dollar head tax each immigrant had to pay as well as the literacy test for Mexican laborers coming to work in the U.S. agricultural industry. This action, often referred to as the first bracero program, lasted until 1921, and brought in between 50,000 and 80,000 Mexican agricultural workers.<sup>195</sup>

The flexibility in the enforcement of the law resulted from the significant influence of agriculturalists in the U.S. Southwest. Though the exemption was meant as a temporary wartime measure, Southwestern growers clamored for the government to extend them, citing shortages of appropriate labor and customary access to Mexican migrant workers. As one growers' representative from South Texas testified in a 1920 Senate committee hearing: "Until now we had no cause to complain, for the reason that, the restrictions being suspended, we were permitted to get the labor we needed."<sup>196</sup> Another agriculturalist from South Texas explained about the region's historical dependence on Mexican labor and their inability to hire enough workers from elsewhere, such as African Americans from Dallas or Shreveport. He warned the committee about the possible consequences if Congress allowed the exemptions to lapse:

Of course, if this law stands, if you do not put a river guard on there, we will get our help all right. If you gentlemen have any objections to admitting Mexicans by

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<sup>194</sup> The 1917 law also instituted restrictions for those deemed ideologically dangerous, such as anarchists.

<sup>195</sup> Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, MA: Harvard University Press, 2007), 156.

<sup>196</sup> Senate Committee on Immigration, *Admission of Mexican Agricultural Laborers: Hearings on S.J. Res. 66, 66<sup>th</sup> Cong., 2<sup>nd</sup> Sess.*, 1920, 12-13.

law, cut them out and take the river guard away and let us alone, and we will get them all right...I prefer to get them lawfully, if I can.<sup>197</sup>

With his testimony the grower revealed his determination to hire Mexican workers, legally or illegally.

Though the 1917 immigration law introduced new restrictions for prospective immigrants, official, but temporary, exemptions for Mexican laborers created ambiguity about its applicability on the southern border of the U.S. This allowed space for growers to place continued pressure on legislators and the INS to pass legal measures to relax the immigration enforcement of Mexican migrants for the growers' benefit.

The National Origins Act of 1924, the next major piece of U.S. immigration legislation, again presented a Janus face on the prospect of Mexican immigration. On its surface, the National Origins Act represented an opening for legal Mexican migration to the United States. While legislators assigned numerical quotas for visas to prospective migrants from almost all regions of the globe, countries from the Americas were exempted from the quota system. Theoretically, U.S. consuls could assign unlimited numbers of visas to migrants from Mexico, Canada, and Central and South America. Scholars have largely attributed this exemption to the U.S. diplomatic community's

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<sup>197</sup> Ibid., 11. Another line of questioning revealed the ways in which Mexican workers were always being implicitly (or explicitly) compared to African American workers. Questioned by Senator Sterling of North Dakota about who were better workers, African Americans or Mexicans, Fred Roberts, a cotton grower and the president of the South Texas Cotton Growers' Association, said he would "take my chances with the Mexican," because though he judged that an African American "will do more work than a Mexican while he works," he thought perhaps Mexicans were more reliable. In the following passage from the transcript, Senator Sterling pressed, "But he [African American worker] is not as reliable in sticking to the job? Mr. Roberts: No sir; there was a time when the Negroes were more reliable than they are now." Making an oblique reference to slavery, along with its attendant images of violence and coercion, Mr. Roberts employed worn stereotypes about the work rate of African Americans. This passage demonstrates the implicit and explicit comparisons growers frequently made between African American and Mexican agricultural workers.

desire to preserve cordial relations in the Americas, as well as from the pressure of the powerful agricultural lobby, who wanted to preserve their access to cheap and plentiful Mexican labor.<sup>198</sup>

The prospect of unlimited Mexican migration induced fear in immigration restrictionists, who sought ways to limit it by attempting to pass legislation extending the quota limits to include the Western Hemisphere. Additionally, restrictionists raised questions in at least one committee hearing about Mexicans' racial makeup in order to determine whether or not they could be targeted for exclusion on the basis of racial inadmissibility, since the 1924 law held that those barred by their race from naturalization could not be issued immigration visas.<sup>199</sup> In response to a question about whether or not Mexican Indians were allowed entrance to the United States, the INS District Director in El Paso replied that he had no directions from the courts to indicate that Mexicans were ineligible for citizenship.<sup>200</sup> The lack of established precedent in the courts on the issue of race and the naturalization of Mexicans, as well as Mexicans' mixed racial heritage made the legislators' line of questioning unsuccessful.<sup>201</sup> In addition to facing

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<sup>198</sup> George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles* (New York: Oxford University Press, 1993), 19.

<sup>199</sup> Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 23. The Naturalization Act of 1790 held that only "free white persons" of good moral character could become naturalized citizens. Congress expanded the category of people eligible for naturalization to include people of African descent in 1870, after the 14<sup>th</sup> Amendment made African Americans citizens. Ngai, 37-38. Citizenship was extended to all Native Americans born in the United States in 1924 by the Indian Citizenship Act. T. Alexander Aleinikoff, *Semblances of Sovereignty: The Constitution, the State, and American Citizenship* (Cambridge, MA: Harvard University Press, 2002), 19-25. This law did not mean, however, that indigenous people born outside the United States were now eligible for naturalization.

<sup>200</sup> House Committee on Immigration and Naturalization, *Immigration Border Patrol*, 70<sup>th</sup> Cong., 1<sup>st</sup> sess., March 5, 1928, 20-21.

<sup>201</sup> The established precedent had consistently allowed for the naturalization of Mexicans, first by the Treaty of Guadalupe Hidalgo in 1848, in which all Mexican citizens residing in what had become, through war, United States territory, would automatically be U.S. citizens unless they

difficulties regarding the racial inadmissibility of Mexican migrants, legislative attempts to limit their migration on the basis of applying quota limits to Mexicans also went down to defeat during the 1920s and 1930s.

Belying restrictionists' concerns of untrammeled immigration from Mexico, the Western Hemisphere quota exemption did not lead to significant increases in legal Mexican immigration. According to A. M. Warren, Chief of the Visa Division of the Department of State testifying before a Senate Subcommittee on Immigration in 1939, immigration from those areas was "not a problem."<sup>202</sup> Officials from the Visa Division pointed out that immigration from Canada and emigration to Canada generally balanced each other out.<sup>203</sup> And while legal immigration from Mexico had been heavier between 1921 and 1930, officially numbered at 459, 287, the numbers dramatically tailed away during the Great Depression. Between 1931 and 1940 only 22, 319 persons legally immigrated to the United States from Mexico.<sup>204</sup> Warren credited these reduced numbers to immigration restrictions already on the books, arguing that "existing immigration law, particularly those sections of the 1917 Immigration Act dealing with public charges, illiterate, and contract laborers, would seem, as administered for a number

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petitioned to keep their Mexican nationality. Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict* (Norman: University of Oklahoma Press, 1990). The one court case, *In re Rodriguez*, that attempted to raise the question of Mexicans' eligibility for citizenship based on their racial makeup, as neither white nor black, was defeated in district court in San Antonio in 1897. Ngai, 53-54. See also, Arnoldo De Leon, "In Re Ricardo Rodriguez: An Attempt at Chicano Disenfranchisement in San Antonio, 1896-1897," in *En Aquel Entonces/In Years Gone By: Readings in Mexican American History*, ed. Manuel Gonzales and Cynthia Gonzales (Bloomington: Indiana University Press, 2000), 57-63. For the most in-depth account of the trial, including the social context of Populist politics that brought about the trial as an attempt to disenfranchise Mexicans, see Martha Menchaca, *Naturalizing Mexican Immigrants: A Texas History* (Austin: University of Texas Press, 2011), 109-159.

<sup>202</sup> Senate Subcommittee of the Committee on Immigration, *Deportation of Aliens*, 76<sup>th</sup> Cong., 1<sup>st</sup> sess., March 21-23, 1940, 175.

<sup>203</sup> Ibid.

<sup>204</sup> U.S. Department of Justice, *Annual Report of the Immigration and Naturalization Service*, Table 4. "Immigration by Country: For Decades: 1820 to 1948" (Washington, D.C., 1948).

of years past, to form an effective and permanent barrier against any undue immigration of Mexican labor.”<sup>205</sup> The strictures of the 1917 immigration law, if rigidly enforced, were already sufficient to block a significant portion of legal immigration from Mexico. Thus, the exemptions from quota limits many have pointed to as evidence of a U.S. open door policy toward Mexican immigration during the first half of the twentieth century had little statistical effect on legal Mexican migration. In reality, U.S. policy toward Mexican immigration was much more limiting and complicated.

The U.S. government enforced exclusionary immigration categories or relaxed their enforcement in response to economic and political demands. When economic and political circumstances changed during the Great Depression, government agencies began to interpret some of the clauses of the 1917 law so strictly that very few prospective migrants could acquire immigration visas during the 1930s.<sup>206</sup> Local, state, and federal government entities also initiated intense campaigns throughout the U.S. Southwest and the Midwest to rid the country of Mexicans during the Great Depression through a coercive combination of deportations and repatriations.<sup>207</sup> These efforts at both exclusion and expulsion worked together during the 1930s to create the context by which Mr. Warren, the head of the Visa Division of the State Department, could report in 1939

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<sup>205</sup> Senate Subcommittee of the Committee on Immigration, *Deportation of Aliens*, 175.

<sup>206</sup> Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939* (Tucson: University of Arizona Press, 1974), 30-33.

<sup>207</sup> Hoffman, *Unwanted Mexicans*; see also R. Reynolds McKay, “Texas Mexican Repatriation During the Great Depression” (Ph.D. diss., University of Oklahoma, 1982); and Francisco E. Balderrama and Raymond Rodriguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995). While the exact numbers of repatriated Mexicans during the 1930s is not known, the most common estimate claims 500,000 Mexicans and Mexican Americans left the U.S. for Mexico between 1929-1939. [cite Hoffman] Half of those, or 250,000 ethnic Mexicans may have been repatriated from Texas. McKay, v.

that legal immigration from Mexico had averaged less than 1,400 persons per year for the last three years.<sup>208</sup>

Despite the evidence of some malleability within immigration laws Mexicans found it increasingly difficult to obtain legal visas for immigration during the 1930s, their exemption from quota laws notwithstanding. Even as the U.S. economy rebounded after 1939, legal Mexican immigration did not increase dramatically. Legal immigration from Mexico declined sharply in the 1930s—22,319 down from 459,287 during the 1920s. Surprisingly, the 1940s did not bring a surge of legal immigration. Between 1941 and 1950 immigration had only increased to 60,589 persons, a very slight increase and far below the actual numbers of Mexicans migrating to the U.S. during the 1940s.<sup>209</sup>

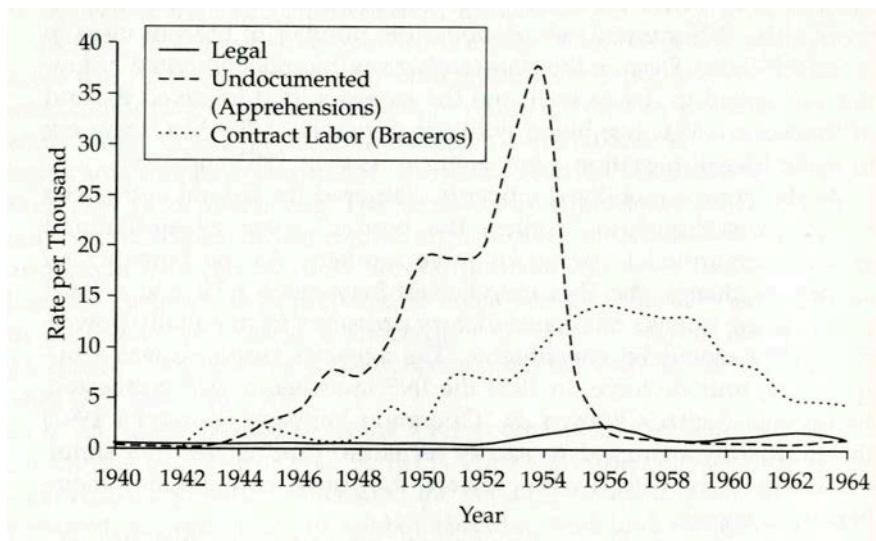


Fig. 3.1. Mexican Emigration to the United States, 1940 to 1964. Graph detail taken from Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage Foundation, 2002), 38.

<sup>208</sup> Senate Subcommittee of the Committee on Immigration, *Deportation of Aliens*, 175.

<sup>209</sup> U.S. Department of Justice, *Annual Report of the Immigration and Naturalization Service*, Table 4., Immigration By Country: For Decades: 1820-1950 (Washington, D.C., 1950).

Thus, the fight in Congress between immigration restrictionists and agricultural business interests about whether Mexicans should be subjected to quotas seems to have been of secondary importance in the end. Most migration from Mexico to the United States during the 1940s was illegal; managed almost exclusively within the shadowy administrative channels of the Immigration and Naturalization Service. Officials from the INS, especially those involved on the ground in the early contact with migrants bore an extraordinary amount of discretionary power over the process of migration at the southern border of the United States.

#### **THE IMMIGRATION AND NATURALIZATION SERVICE BORDER PATROL: LEGAL AND POLITICAL FOUNDATIONS OF POWER**

Since much of the migration from Mexico to the U.S. was illegal during the 1940s, the Immigration and Naturalization Service (INS) had an outsized role in affecting Mexican migration and deserves closer examination. The first in-depth study of the workings of the INS conducted by the Wickersham Commission in 1931 came to a startlingly contradictory conclusion about the agency: it had at once too much and too little power. This section examines the foundations and development of Border Patrol authority, both the power vested in the police body by legislation as well as the authority the agency itself developed as on-the-ground modus operandi. Over the years, these processes became established as settled law over time.

On the U.S.-Mexico border, the Border Patrol worked mostly within a nebulous zone of loosely interpreted laws, in which Constitutional rights did not fully apply. Most immigration procedures, such as deportation, fell almost completely within the power of

the executive branch of the federal government, and deprived most migrants of access to the judicial system. Legal constitutional scholars have argued that deportations laws consistently came under the plenary powers doctrine, delegating power to the executive branch and outside the purview of judicial due process.<sup>210</sup> The process of deportation, easily the most common police act on the U.S.-Mexico border, contained within the power of the executive branch, made the border itself a pre-Constitutional space in some ways.

In 1924 and 1925, the U.S. Congress created the Border Patrol, gave the newly formed police body its first budget of one million dollars, and outlined its original powers. Though Border Patrol officials bemoaned the strictures placed upon them by the legislation, namely, limiting their ability to make arrests without warrants, officers quickly hammered out procedures to work around the limitations they faced. According to the 1925 legislation, officers could only arrest, *without a warrant*, “any alien who in his presence or view is entering or attempting to enter the United States” in violation of immigration laws.<sup>211</sup> Though this wording would seem to indicate a very narrow spatial and time-sensitive window in which officers could make arrests without warrants, the INS stretched the boundaries of those powers to an extraordinary degree. In 1928 El Paso District Director was questioned before a House Committee on Immigration and Naturalization about the Border Patrol’s authority to apprehend migrants away from the border and take them immediately to a port of entry for deportation. El Paso District Director Grover Wilmoth alluded to a federal court ruling, *Lew Moy et al v. United States*

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<sup>210</sup> Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, MA: Harvard University Press, 2007), 13. See also T. Alexander Aleinikoff, *Semblances of Sovereignty: the Constitution, the State, and American Citizenship* (Cambridge, MA: Harvard University Press, 2002).

<sup>211</sup> *Act of February 27, 1925*, U.S. Stat. 1049-1050, 8 U.S. Code 110.

which found that “an alien was in the act of effecting entry until he had reached his interior destination.”<sup>212</sup> “We exercise that authority,” Wilmoth averred, and added, “I believe, based upon that, that we could get away with taking them into custody as we do, and delivering them to the nearest immigration office.”

The ways in which INS officials stretched the powers granted to them had temporal and spatial dimensions that defined the nature of federal authority on the U.S.-Mexico border. A close consideration of the Wickersham Commission’s findings helps demonstrate the importance of temporality in a space in which legal historian Daniel Kanstroom described “government power [operating] largely unmediated by constitutional or significant legal constraint.”<sup>213</sup> Formed by President Hoover, the Wickersham Commission undertook an extensive, multi-volume study of law and order in the United States, with an entire volume dedicated to deportation laws. Released in 1931, lead investigator Reuben Oppenheimer found that the process of deporting migrants from the United States violated American ideals of transparency and due process. In one of the first in-depth studies of INS procedures in deportation cases, Oppenheimer declared that the agency operated in an environment excessively free from oversight—combining in one administrative agency (often in one office, and even in one person) the functions of police, judge, and jury, and basing many of its most fundamental

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<sup>212</sup> U.S. House, Committee on Immigration and Naturalization, *Immigration Border Patrol*, 70<sup>th</sup> Cong., 1<sup>st</sup> sess., March 5, 1928, 11. Both Mae Ngai and Kelly Lytle Hernandez have noted the importance of *Lew Moy* in dramatically expanding the territorial authority of the Border Patrol, highlighting the spatial dimension of Border Patrol powers. I will deal with the spatiality of *Lew Moy* later in the section. See Mae M Ngai, “The Strange Career of the Illegal Alien: Immigration Restriction and Deportation Policy in the United States, 1921-1965,” *Law and History Review*, 21:1 (2003). See also Kelly Lytle Hernandez, *Migra!*, 35.

<sup>213</sup> Kanstroom, *Deportation Nation*, 13. The entire quote reads, “Those who are caught near the border, however, face a regime of law that is in many respects the same as they could encounter were they apprehended outside U.S. territory. In effect, they experience government power largely unmediated by constitutional or significant legal constraint.”

procedures in non-statutory authority.<sup>214</sup> “It is believed,” he claimed, “that nowhere else in legal processes of so important a nature is there the deplorable combination of all the elements of illegal procedure, absence of safeguards and despotic power which is to be found in the proceedings of deportation.”<sup>215</sup>

One of the most pointed critiques to emerge from the Wickersham Commission centered on deportable migrants’ limited access to rights, as well as the ways in which even those limited rights were not available until the deportation process was well advanced. Because the INS interpreted the Lew Moy case so liberally, border patrol and immigration inspectors generally waited until after they made arrests to obtain warrants, thus often initiating warrantless searches of businesses, other public places, and property. During this initial period, the immigration officer subjected the migrant to a series of interrogations, first at the scene, in order to determine whether or not the officer would detain the migrant, and secondly, at the immigration office, where the officer initiated a lengthier questioning to gauge if acquiring a warrant was necessary.<sup>216</sup> At no time during these primary interrogations did the migrant have access to a lawyer. Once a warrant was received, the migrant went through a hearing, similar to a judicial proceeding in that evidence could be heard and presented, but different because the hearing was performed by immigration officials, and not an independent judiciary.<sup>217</sup>

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<sup>214</sup> U.S. National Commission on Law Observance and Enforcement (Wickersham Commission), *Report on the Enforcement of the Deportation Laws of the United States*, no. 5, May 27, 1931, 5.

<sup>215</sup> *Ibid.*, 148.

<sup>216</sup> During these two interrogations, officers could offer migrants the option of voluntary departure in lieu of formal deportation, which meant that the deportable migrant would agree to leave the country. Voluntary departure as a form of expulsion was commonly used along the U.S.-Mexico border, becoming even more significant during the 1940s. I will treat this issue in greater depth later in this chapter.

<sup>217</sup> Oppenheimer warned of the danger of combining these functions in one agency, and in one office. Most often the investigative officer also presented the evidence at the hearing before an official who was also a colleague. Such intermixing meant that impartial justice for the migrant was practically impossible. *Report on the Enforcement of Deportation Laws*, 81-84.

Only when the proceedings had reached the hearing stage, could a migrant summon counsel, paid for at his or her own expense, and not guaranteed by the state. Because many migrants could not afford lawyer's fees, lawyers were present at fewer than 20% of the hearings.<sup>218</sup> At the U.S.-Mexico border, this situation was greatly exacerbated: lawyers represented migrants at no more than 2% of the hearings.<sup>219</sup> The results of such closed-door proceedings were stark: district level hearings recommended deportation for 95% of the cases.<sup>220</sup> The district offices sent their recommendations for final approval to the office of the secretary, where a review board considered them, and followed the district's recommendations 90% of the time.<sup>221</sup> Two conclusions can be drawn from the genealogy of deportation narrated above. One, the local border patrol district office, especially the investigating border patrol inspector, held a great deal of power over the deportation of migrants. Second, getting caught by the Border Patrol meant almost certain expulsion from the country, whether through voluntary departure or formal deportation.

Within the system of deportation as whole, then, the INS operated mostly within an administrative, non-Constitutional span of time. The few quasi-Constitutional rights migrants could claim in the process of deportation, were triggered very late, if at all.<sup>222</sup>

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<sup>218</sup> Ibid., 85.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid., 96.

<sup>221</sup> Ibid. This review board acted on behalf of the supervisory secretary, which at the time of the issuance of the Wickersham report, was the Secretary of Labor. The Immigration and Naturalization Service was under the supervision of the Department of Labor from 1913-1939, until the Reorganization Act of 1939 transferred the agency to the Department of Justice in 1940. U.S. Dept. of Justice, *Laws Applicable to Immigration and Nationality* (Washington, DC: U.S. Government Printing Office, 1953), xv-xvi.

<sup>222</sup> Because deportation was not deemed a criminal procedure, but an administrative procedure, it was not considered a punishment, per se, but a withdrawal of the privilege of staying in the country because of immigration violation. The process of deportation, then, did not have to conform to the rights accorded to those accused of crimes. In U.S. law, deportable migrants were not treated as criminals, because criminals had more guaranteed rights. Kanstroom, 4. For an explanation of the criminal vs. administrative distinction, see Wickersham Commission member Kenneth Mackintosh's dissent, *Report on the Enforcement of Deportation Laws*, 12.

When applied to the physical jurisdiction in which most INS officers operated, at the borders of the United States, one can see the ways in which the seeming temporariness implied by *Lew Moy* could go beyond a temporary individual state and become a permanent condition. That is, until an undocumented migrant was apprehended, he or she could be considered to be in the process of effecting entry into the United States. Through the temporal and spatial expansion of their powers to patrol the border in the enforcement of immigration laws, the Border Patrol extended the liminal, nebulous state of permanent temporariness of individual migrants to the space of the border region, creating a federally administrated, non-Constitutional space.

INS officials' strategic decision to use their expanded powers established two discernible layers of police presence in the border region and created a border zone of enforcement based on the elasticized notion of a migrant's sustained status of effecting illegal entry. The Border Patrol's construction of a patrollable border zone occurred early in the formation of that police body. Questioned in a 1928 hearing, El Paso INS district director Grover Wilmoth described the physical dimensions of their patrols:

We have about 900 miles of border in our district, about 300 miles for each subdistrict, but you can put an army out there right on the border and you could not stop their crossing. The only way to do is to station your at strategic points where you know that the main crossing is done, or station them back in the interior where you will catch them after they have left the border at points on the road where they are almost forced to pass.<sup>223</sup>

The Border Patrol set up their force in both places, at the border and at strategic points in the interior, often up to 100 miles into the interior, thus forming two clear boundary lines.<sup>224</sup> All Mexicans moving within that border zone were suspect and

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<sup>223</sup> House Committee on Immigration and Naturalization, *Immigration Border Patrol*, 3.

<sup>224</sup> Ngai, "The Strange Career of the Illegal Alien."

subject to being questioned and detained.<sup>225</sup> As Hernández has argued, the Border Patrol “policed Mexicano mobility instead of enforcing the political boundary between the United States and Mexico.”<sup>226</sup> The physical territory of the strategically constructed border zone became a movement zone of sorts: all workers were judged to be in transit, their residence in the border fragile and insecure.

### **VOLUNTARY DEPARTURE AND THE MAINTENANCE OF A FLEXIBLE BORDER**

The INS mechanism of voluntary departure became the most common form of managing Mexican migration at the U.S.-Mexico border during the 1940s. This method gave the INS the power to expel migrants from the United States while avoiding the expensive and time-consuming process of formal deportation by allowing them to leave the country at their own expense. Codified into law in 1940, this procedure allowed for the full operation of a border agricultural system based predominantly on undocumented Mexican labor, and shaped a flexible border with a consistent movement of Mexican workers back and forth across the boundary line.<sup>227</sup> The mechanism of voluntary departure was advantageous for migrants as well; the penalties for illegal re-entry were minor or non-existent, while those who were caught entering the country illegally after

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<sup>225</sup> In *Migra!* Hernández discusses the spatiality of the border zone and its social and political import, pointing out that “the Border Patrol’s racialized sphere of violence and social formation, therefore, reinvented and reinvested what it had drawn from the borderlands by creating a new mechanism and logic for the marginalization of Mexicanos in the borderlands.” Hernández, *Migra!*, 50.

<sup>226</sup> *Ibid.*, 46.

<sup>227</sup> Voluntary departure was already in use, predominantly at the U.S. southern and northern land borders, since the late 1920s, but it functioned as part of the non-statutory powers that the INS employed to sidestep rigid and cumbersome deportation laws. This authority became codified in law in 1940 as part of the Alien Registration Act. Richard Cameron Burke, “Nkacoang v. INS: A Complementary Theory for Denying Reinstatement of Voluntary Departure,” *Brigham Young University Law Review* 1997:1 (1997), 169-195, 171.

being formally deported faced the possibility of high fines and jail time. Because voluntary departure was still a method of deportation, however, INS administrators could protect themselves against critiques of ineffectiveness by touting the large numbers of expulsions its officers had effected in a given year and the many miles they had patrolled. It seemed to be an ideal arrangement for all concerned: growers acquired the labor force they desired, workers caught in the country illegally were expelled from the country without serving long detentions and were theoretically free to obtain legal visas in the future, while the Border Patrol maintained a semblance of control of the border without overwhelming the system. This process, however, continued to define Mexican migrants as temporary and illegitimate sojourners in the United States, and did not provide avenues for Mexican migrants' permanent legal migration. The increased movement of Mexican workers into the United States and their forcible removal through "voluntary" departure formed a picture of Mexican migration that was circular and temporary, placing the image of Mexican migrants as illegitimate in high relief.

Voluntary departure had been used at both the Canadian and Mexican land borders since the late 1920s, though employed for different reasons and with different effects. Between 1927-1930, annual figures for voluntary departures ranged from 11,387 to 25,888. Rueben Oppenheimer of the Wickersham Commission noted that voluntary departures were used primarily on the Canadian and Mexican land borders adjacent to the United States. Because people who utilized voluntary departure had to shoulder the costs for their return, few deportable European migrants left the country in this manner.<sup>228</sup> However, by the early 1940s, the overall numbers for voluntary departures had decreased substantially, reflecting the many years of diminished levels of immigration during the

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<sup>228</sup> Wickersham Commission, *Report on the Enforcement of Deportation Laws*, 56.

Great Depression. In 1942, for example, there were a total of 6,904 voluntary departures with 2,552 departing to Mexico and 2,189 departing to Canada.

While the figures seem very evenly matched, a closer look behind the figures reveal how the INS used voluntary departure differently at each border, helping crystallize a fundamental difference between the U.S.-Canadian and U.S.-Mexican borders. On the Canadian border, voluntary departure formed part of a legalization process for illegal immigrants, called pre-examination. In use since 1935, pre-examination referred to a procedure by which a migrant would be pre-approved for legal entry by the INS, “depart voluntarily” to Canada, immediately apply to the nearest American consul for a visa, and then return to the United States as a legal immigrant.<sup>229</sup> Used briefly at the U.S.-Mexico border, protests from the U.S. consul in Juárez ended the use of pre-examination on the southern border, because migrants’ poverty made them inadmissible for immigration, the consulate argued. Pre-examination became exclusive to the northern border.<sup>230</sup> At the northern border, then, voluntary departure represented a technical mechanism toward legalization. At the southern border, voluntary departure remained strictly a process of deportation.<sup>231</sup>

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<sup>229</sup> For an excellent explanation of the procedure of pre-examination as a form of administrative discretion first used by Secretary of Labor Perkins during the 1930s please see Mae Ngai’s “Strange Career of the Illegal Alien,” 100-103.

<sup>230</sup> *Ibid*, 103.

<sup>231</sup> Although the process of pre-examination seems to have some similarities to the INS practice of legalizing undocumented agricultural workers at the southern border between 1947 and 1951, one major difference existed between these two practices. Pre-examination was a method by which European migrants became legal, permanent residents who could eventually become naturalized U.S. citizens. The process at work on the U.S.-Mexico border turned undocumented Mexican migrants into legal non-immigrant braceros, whose legal tenure in the United States was short and temporary, restricted to the length of an agricultural season. For more about the program to legalize workers already in the United States illegally, please see Otey Scruggs, *Braceros, “Wetbacks,” and the Farm Labor Program*, 323-337 and Chapter XII. “Mexican Nationals in American Agriculture, 1948-1954, Pt.1,” 385-453.

The INS used the voluntary departure procedure much more during the mid-1940s than before, and almost exclusively at the U.S.-Mexico border. The numbers of voluntary departures steadily crept upward as the 1940s wore on: in 1944 the INS conducted 32,270 voluntary departures, a sharp increase from the 6,904 just two years before. However, the numbers of voluntary departures per year exploded in 1946. (See fig. 3.2)

Year	Deportations	Voluntary Departures	Total
1944	7,179	32,270	39,449
1945	11,270	69,490	80,760
1946	14,375	101,945	116,320
1947	18,663	195,880	214,543
1948	20,371	197,185	217,555
1949	20,040	276,297	296,337
1950	6,628	572,477	579,105

Table. 3.2. Deportations and Voluntary Departures. Modified from table in U.S. Department of Justice, Annual Report of the Immigration and Naturalization Service, (1950), 50.

In the post-World War II period, between 1946 and 1950, the INS conducted 1,343,783 voluntary departures, a staggering increase from the preceding years and decades. The great majority of the voluntary departures passed through the U.S-Mexico

border. For example, of the 572,477 voluntary departures in 1950, ninety-eight percent were from the Border Patrol districts in San Antonio, El Paso, and Los Angeles.<sup>232</sup>

In discussing the procedure of voluntary departure, INS officials consistently defined it as a more humane and efficient method of deportation that allowed migrants the possibility of an eventual legal return. According to INS policy, migrants who were found to be “deportable on other than criminal, moral, or subversive grounds, or because of mental or physical defects” were expelled through voluntary departure.<sup>233</sup> The 1949 INS annual report added:

Such a procedure is advantageous to the alien since he is not prevented from applying immediately for readmission if the basis for his deportable status includes no element which might disqualify him for readmission. It is also advantageous to the Service as it results in a saving of deportation expense.<sup>234</sup>

After apprehension, a Border Patrol officer subjected a migrant to a quick initial interrogation, to determine his or her legal status. Once the officer discovered the migrant’s legal status, made a further decision whether to opt for voluntary departure or initiate formal deportation proceedings. Unless the migrant had been caught committing another form of criminal act, the Border Patrolman most often decided to use voluntary departure. Though its name implied a migrant’s consent in the proceedings, it is not clear that most migrants did consent.<sup>235</sup> But faced with the choice of quick expulsion or

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<sup>232</sup> U.S. Department of Justice, *Annual Report of the Immigration and Naturalization Service*, (1950), 56.

<sup>233</sup> U.S. Department of Justice, *Annual Report of the Immigration and Naturalization Service*, (1949), 28.

<sup>234</sup> *Ibid.*

<sup>235</sup> As Rueben Oppenheimer pointed out in the Wickersham Commission report, though their participation was technically voluntary, “these suspects are confronted by a man obviously invested with some kind of authority, often wearing the uniform of his office and generally conducting himself as one entitled to obtain the information for which he asks.” Wickersham Commission, *Report on the Enforcement of Deportation Laws*, 66. Furthermore, in his testimony

several weeks or months of detention, followed by an administrative hearing with no counsel, and then almost certain deportation, most migrants would have chosen voluntary departure in any case. At that point, the migrant remained in custody for several hours, in detention facilities at or near immigration offices, until Border Patrol officials could transport him or her to the nearest international port of entry, and then released to cross the border into Mexico.

The humanity of the process of voluntary departure depended almost entirely upon the individual Border Patrol officer. Many of the everyday cruelties and humiliations of expulsion were lost amidst the high volume of traffic sent across the international bridges, only occasionally surfacing in newspaper reports or investigations. On one mid-August day in 1950 a group of ninety migrants waited to cross into Mexico at the Gateway International Bridge in Brownsville, Texas, after having been apprehended in the Harlingen area earlier in the day.<sup>236</sup> Among that group was Abelino Mendez Leon, his wife Rufina Barajas Ramirez and their six children, ranging in ages from four to fourteen.<sup>237</sup> Mendez had just purchased groceries for his large family that morning, and had no money to pay for the bridge fare to cross back, for himself or for his family.<sup>238</sup> Mendez had made his way halfway across the bridge, when the toll collector turned him back, telling him that U.S. immigration officials would give him tickets to cross. Mendez claimed that he approached the Immigration Inspector who was checking

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before a House committee hearing on Immigration and Naturalization, El Paso district director Grover Wilmoth admitted that they tried to keep the nature of their work a secret from migrants, so they probably did not know the method from which they were removed from the United States was voluntary. House Committee on Immigration and Naturalization, *Immigration Border Patrol*, (1928), 10.

<sup>236</sup> Report from Charles Lonergan to William A. Whalen, Aug. 15, 1950, File 56286/203, Box 3161, RG 85, National Archives and Records Administration, Washington, D.C. (Hereafter referred to as NARA).

<sup>237</sup> Ibid.

<sup>238</sup> "Wetback Claims He Was Struck by U.S. Official," *Valley Morning Express*, Aug. 15, 1950.

vehicular and foot traffic on the bridge, Officer Boudreux, and told him he “had no money to get across.” In response, Boudreux “spoke to him roughly in English... and motioned him to go on and get across the bridge.”<sup>239</sup> Upon turning to walk back, Mendez says he was “hit on the back and almost knocked to the ground.” José Julian Sanchez Peña of Matamoros corroborated Mendez’s account, reporting that he had seen a “short man in khaki clothes” hit Mendez.<sup>240</sup>

After the press reported this story, INS officials in Brownsville questioned the officer and submitted their own version of events contradicting Mendez’s testimony. The report to the district office in San Antonio cleared Immigration Inspector Boudreux of any wrongdoing. According to his testimony in the report, Boudreux did not strike Mr. Mendez, but had merely placed “his hand on the alien’s back, pushed him to the head of the steps, and told him to remain there until he got his tickets.”<sup>241</sup> Boudreux further accused Mendez of speaking to him “loudly and insolently,” while demanding money or tickets to cross the bridge.<sup>242</sup> In his report Charles Lonergan, the Officer in Charge at Brownsville, TX, concluded that Boudreux acted just as any other officer would act in a similar situation.

Instead, Lonergan charged the Chief of the Mexican Immigration Service at Matamoros, Tamaulipas, with concocting a “lurid story” for the press based only on hearsay and trusting the word of a “three-time criminal law violator.”<sup>243</sup> The three-time “criminal law violator” to which Officer Lonergan referred was Abelino Mendez Leon, who had been apprehended in Harlingen, Texas on two previous occasions and sent back

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<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

<sup>241</sup> Report from Lonergan to Whalen, Aug. 17, 1950, File 56286/203, Box 3161, RG 85, NARA.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

to Mexico through voluntary departure. On three occasions, a Border Patrol had deemed Mendez “worthy” of voluntary departure, normally offered to people of otherwise good moral character, as Border Patrol officials themselves had defined the procedure before Congress. Suddenly Mendez became an untrustworthy criminal who should have been in jail, but for the mercy of the Immigration and Naturalization Service. Voluntary departure, therefore, was a highly flexible process that could instantly transform a person deemed formerly worthy into a criminal whose charge of mistreatment at the hands of a Border Patrol officer held no value.

As voluntary departure became the most common form of immigration enforcement on the U.S.-Mexico border, the act of removal further moved out of the processual and adjudicatory, and into the informal realm. The dominant form of enforcement at the U.S.-Mexico border was characterized by its flexibility and built on the possibility and probability of transborder Mexican mobility and labor migration. The INS touted voluntary departure as a humane process of deportation that allowed migrants the opportunity initiate the process of legal immigration to the United States. This approach emphasized the probability of Mexicans’ return migrations. In doing so, however, INS administrators must have been well aware that most Mexican migrants, under the current laws, would be judged inadmissible, unable to meet literacy requirements and/or considered likely to become a public charge. Thus, INS officials knew that Mexican migrants’ return migrations would most likely be illegal. Voluntary departure wiped migrants’ slates clean, however; a subsequent illegal entry treated as the first.

The very large number of expulsions the INS effected during the second half of the 1940s, over 1.3 million in a span of five years, would not have been possible without the mechanism of voluntary departure. The INS’s physical and administrative

infrastructure could not have handled so many formal deportations. The mechanism of voluntary departure, a response to a high volume of migration at the U.S.-Mexico border, also contributed to that volume, and made deportations a characteristic experience on the southern border. Relying so heavily on voluntary departure as a form of deportation meant that the INS conducted most expulsions of Mexicans without providing any form of written accounts of their actions whatsoever, apart from taking their names, time and place of apprehension, and time and place of departure. Forcing expulsions without documenting the process left a great deal of room for manipulation, collusion, and maneuvering.

### **THE CONTESTED TERRAIN OF BORDER PATROL PRACTICES**

Within the broadly defined border zone, members of the Immigration and Naturalization Service wove their enforcement routines into the daily social interactions between employers, the Border Patrol, and Mexican workers. The relationship between growers and the Border Patrol would seem to have been necessarily adversarial. Growers sought the cheapest possible, i.e., illegal, labor force, and the Border Patrol's primary mission involved stopping the entrance of unauthorized migrants. Though a measure of mutual hostility and tension did exist between growers and the Border Patrol, the Border Patrol's quiet but consistent commitment to protecting the border's agricultural industry provided a shared foundation of stasis and stability. The local social dynamics of power continued to play a fundamental role in shaping the space and timing of enforcement, even when INS enforcement strategies changed during the 1940s and in the early 1950s. During the early 1950s, the Border Patrol conducted several large-scale deportation drives that temporarily relocated Border Patrol officers from other posts to South Texas.

For the most part the INS merely sought to control growers' excesses regarding the manipulation of labor mobility, and did not seek the overall destruction of the system based on undocumented labor.

As the opening anecdote to the chapter, the Crossett affair, attested, growers strenuously, and sometimes violently, objected to what they perceived were new Border Patrol encroachments on their power and their property. Legislation passed in the second half of the 1940s and the early part of the 1950s gradually augmented the power of the Border Patrol to make searches and arrests without warrants.<sup>244</sup> However, the increase of Border Patrol powers did not lead to a correspondingly clear path toward the disengagement of federal and local bases of authority. Occasionally, Border Patrol authorities did use their expanded powers to keep certain disagreeable or uncooperative growers or employers in line, though they had to take great care in these instances. Growers, for their part, sought to apply social and political pressure to contain the Border Patrol within the scope of their world and to use the police force as a tool for the maintenance of their labor system. Even as overall Border Patrol apprehensions increased during the 1940s, the border agricultural labor system continued to operate.

The Crossett affair in 1947 and similar events that took place in the El Paso immigration district signaled a period of increased tensions between the INS and the agricultural industry in the area. These incidents reflected a slight shift in the operations

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<sup>244</sup> While the 1925 Powers of the Border Patrol Act did allow for searches and seizures without warrant of people found in the act of illegal entrance, who otherwise would have escaped apprehension if warrants were sought, the Act of August 7, 1946 added to that earlier authority the power to arrest without warrant those they believed had violated crimes related to immigration. It was not until 1952, the Act of March 20, 1952, that the law specifically granted the Border Patrol the power to search "private lands but not dwellings" for undocumented immigrants. Cited in *United States of America v. John J. Brennan*, United States Court of Appeals, Fifth Circuit, Sept. 13, 1976.

<http://ftp.resource.org/courts.gov/c/F2/538/538.F2d.711.75-3939.html> (accessed July 18, 2011).

of the El Paso district. In the late 1940s, the longtime District Director of the El Paso region, Grover C. Wilmoth, began instructing his officers to use their authority to target those growers who were severely exploiting or otherwise abusing Mexican workers.<sup>245</sup> In a May 1949 memorandum circulated among his staff officers, section chiefs, chief patrol inspectors, and officers in charge, Wilmoth advised his subordinates to continue operating under the policy directives he had recommended in a memorandum he had sent a year earlier. Wilmoth reminded officers to use the full extent of their authority against growers who were “taking advantage of the situation to under-pay or otherwise mistreat deportable farm laborers.”<sup>246</sup> In addition he urged officers to also “include those farmers who actively engage in smuggling aliens, or in transporting aliens from the Border, or whose farms are used as relay stations.”<sup>247</sup> In directing officers to focus on growers subjecting workers to extraordinary abuse, Wilmoth used apprehension policy to attempt to influence and ameliorate growers’ treatment of their workers. By inference, the absence of these kinds of explicit instructions directing officers would have given growers greater freedom to continue mistreatment and exploitation. In any case, even with Wilmoth’s specific and explicit directions, not all of the officers were following his lead, he noted, and he exhorted them to do so.<sup>248</sup>

In the second part of his memorandum, Wilmoth distinguished between growers who were passive recipients of undocumented laborers, and those who played a more active role in recruiting laborers and facilitating their migration process. Wilmoth

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<sup>245</sup> In a memorandum dated May 31, 1949, Grover C. Wilmoth refers to an earlier circular he had sent to the officers of his district, in April 12, 1948, outlining operating policies. I do not have the April 12, 1948 circular.

<sup>246</sup> Circular, from El Paso District Director Wilmoth to Officers under his charge, May 31, 1949, File 56246/339-F, RG 85, NARA.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

directed his officers to disrupt a common practice by which border area growers communicated with workers and pre-arranged to meet them at the border and transport them to their farms. By focusing on this particular part of the transaction, Wilmoth hinted at a possible direction for border enforcement, that is, defining growers as alien smugglers, and thus subject to criminal prosecution. Instituting a widespread practice of arresting farmers on charges of alien smuggling would have represented a radical legal and procedural departure on the U.S.-Mexico border, and there is no evidence to suggest that Wilmoth tried to do so in the El Paso area. However, in one instance in October 1947, six New Mexico farmers were arrested for alien smuggling and faced trial in U.S. district court.<sup>249</sup> More commonly, however, Wilmoth advised his officers to target these growers by simply apprehending their workers, without bringing charges against the growers themselves. Any evidence of aggressions by Wilmoth would have greatly alarmed area growers and could have accounted for the various outbreaks of hostility between growers and Border Patrolmen in the area.

Despite the evidence of an increasingly aggressive enforcement strategy in the El Paso region, Border Patrol agents continued to exercise circumspection when it came to entering growers' properties. In a June 6, 1949 memorandum from District Director Wilmoth to the Central Office, Wilmoth recounted a confrontation between Border Patrol officers and a particularly hostile Doña Ana County grower, Jake Sweet. Wilmoth pointed out that Sweet took every opportunity to "cuss out" the Border Patrol and everyone connected with the Immigration Service," including calling the District Director

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<sup>249</sup> "Six Farmers Await Labor Trials," *El Paso Herald Post*, Oct. 4, 1947, pg. 12. The six farmers charged with alien smuggling were Roy Ingram, H. Victor Parker, Hugh Moutrey, Quintin Mendoza, and Guadalupe Padilla de Cassares, all of Artesia, NM. The sixth farmer was Wayne Dill of Doña Ana County, NM.

a “son of a bitch.”<sup>250</sup> Despite such open provocation, or perhaps because of it, Border Patrol officers took great care to obtain arrest warrants to enter Sweet’s property, once rumors began circulating that he had amassed a “considerably larger number of farm workers than were actually needed.”<sup>251</sup> Although Border Patrol officers had the authority to obtain arrest warrants to apprehend any undocumented migrants on Sweet’s farm, officers felt the need to further justify their actions by pointing out that the workers were surplus labor. Wilmoth’s assurances that “Jake Sweet’s cotton was chopped” suggests that he believed that conducting a raid upon Sweet’s farm during a critical point in the cotton season might have left him open to criticism, certainly from farmers, but perhaps even from the INS Central Office itself.

On June 7, 1949, the same day that Wilmoth sent the report on Jake Sweet to Washington, D.C., the Central Office issued a lengthy memorandum to the El Paso and San Antonio districts resulting from an internal survey conducted of policies and conditions in those areas.<sup>252</sup> INS Commissioner, Watson B. Miller, initiated this survey in order to “effect coordinate policies and procedures” within the southern border districts. The memorandum also had the effect of drastically revising El Paso District Director Wilmoth’s more aggressive enforcement strategies.<sup>253</sup> Miller concluded that in general, the San Antonio and El Paso districts followed similar procedures.

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<sup>250</sup> Memorandum from Wilmoth to Central Office, June 6, 1949, File 56246/339-F, RG 85, NARA.

<sup>251</sup> *Ibid.*

<sup>252</sup> The San Antonio INS district accounted for almost the whole of Texas, with the exception of the Panhandle and the extreme western edge of Texas, which fell within the province of the El Paso INS district. In addition to those parts of Texas, the El Paso district had the whole of New Mexico and three-fourths of Arizona under its jurisdiction. Together, these two districts oversaw most of the U.S.-Mexico border region.

<sup>253</sup> Memorandum from Immigration Commissioner Watson B. Miller to Southwestern districts, June 7, 1949, File 56246/339-F, RG 85, NARA.

To discuss the similarities in enforcement procedures, which Miller proposed both districts continue, the commissioner used the San Antonio district to provide a case study about their daily operations. He found that officers in the San Antonio District mostly apprehended “all moving illegal aliens found upon the highways, in railway stations, bus stations, or other public or quasi-public places,” and intercepted workers crossing the “Rio Grande River without documents or inspection.”<sup>254</sup> According to Miller’s findings, INS officials in El Paso also followed this general approach. Therefore, the Border Patrol’s common strategy of patrolling public spaces in towns and public places of transport made workers in movement or transit more vulnerable to apprehension than those that stayed on farm lands, and away from public spaces. This was characteristic to the southern border as a whole.

Miller also outlined the limited and specific circumstances in which it was appropriate to enter growers’ properties, revealing the Central Office’s cautious and circumscribed approach in dealing with border enforcement. As Miller noted, the San Antonio District Director “has cleaned up some farms and stock ranges where the proprietors have been acting as labor hoarders of illegal Mexican nationals, and who have been “farming out” or “transferring” the workers so hoarded to other ranches or farms.”<sup>255</sup> Thus, officers did not necessarily target the general grower population who may also have been using undocumented labor, but only those they knew were engaging in activity that resulted in undocumented workers moving inland beyond the geographical location of the border. Miller further clarified this geographical containment strategy in the memorandum, reminding officers that their approach was a “job of forcing all

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<sup>254</sup> Ibid., 1.

<sup>255</sup> Ibid., 1.

possible illegals toward the border.”<sup>256</sup> By also targeting labor hoarding, which could possibly create restiveness among workers through oversupply and underemployment, Border Patrol officers attempted to maintain a semblance of stability in the overall labor system.

Though the murkiness regarding the INS’s legal authority to enter private property without warrants may have contributed to Commissioner Miller’s advocating extreme caution regarding entering grower’s properties, the overall tone of his memorandum suggested restraint and cooperation rather than aggression. His directions provided a clear signal to Border Patrol officers regarding their relations with growers. Commissioner Miller encouraged officers to enter farms in the “presence of conditions of such as set out the fore part of this memorandum,” thus limiting their raids to labor hoarders.<sup>257</sup> These directions also limited Border Patrolmen to targeting growers who were on the verge of releasing their workers to other agricultural areas, thus signifying that such growers had already harvested their crops and workers were no longer necessary.

In addition to his directions that supported an immigration enforcement strategy sensitive to growers’ harvesting schedules, INS Commissioner Miller even more clearly communicated the message that INS officials should keep the protection of the agricultural industry in mind while still doing their job. In a statement aimed at both the El Paso and San Antonio district directors, Commissioner Miller sought to rein in El Paso District Director Wilmoth’s aggression, while very gently spurring San Antonio District Director Whalen to more action:

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<sup>256</sup> Ibid., 2.

<sup>257</sup> Ibid., 4.

It has been said that some of our District Directors are not interested in the crops or the farmers. I think this cannot be well sustained though it is conceded that the officials of our Service do meet with exasperating circumstances, and yet the feeling and even truculence of producers who are engaged in vital production who have been discommoded can be understood. It seems better, however, to chance occasional complaints or disaffectations where the circumstance giving rise to them are fully warranted and at the same time to lend a hand to proper crop protection than to refrain from ever approaching the premises of the producers.<sup>258</sup>

In this statement Miller reminded officers of growers' important work, advocating forbearance even in the face of hostility. The reminder to officers of the vital nature of growers' production seemed to be aimed at Director Wilmoth, whose district had a record of heated confrontations between growers and officers.<sup>259</sup> On the other hand, when he gently advised officers to risk the wrath of growers by occasionally approaching their premises if officers were fully in the right, Miller seemed to be addressing Whalen. In trying to coordinate the activities at the two southwestern districts, Miller's overall tone supported Whalen's understated approach in San Antonio rather than Wilmoth's more aggressive strategy in El Paso.

In his internal investigation, Miller pointed out the one major difference separating the two districts' general enforcement strategies. Miller noted that Wilmoth paid attention to issues of workers' "disastrously low wages," "overcharging at some commissaries," "inadequate quarters," and "sanitary conditions."<sup>260</sup> By contrast, Whalen had rarely "interjected his forces" to address these issues. Commissioner Miller directed Wilmoth to "refrain from entering premises for the purpose of correcting these particular

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<sup>258</sup> Ibid., 5.

<sup>259</sup> Ibid., 5. Miller closed the memorandum by emphasizing again to officers that "It is proposed to carry out the duties of our Border Patrol imposed by laws in the most considerate manner, especially as to those whose attitude is not unreasonable or intentionally provocative."

<sup>260</sup> Ibid., 1.

reported abuses.”<sup>261</sup> Miller made clear that dealing with worker abuses did not fall within the INS’s purview; that was the responsibility of the United States Employment Service and Mexican consular authorities in the bracero program. In order to make his point even plainer, Miller drove the point home by noting that:

The San Antonio District Director has not generally concerned himself in the matter of wages, living conditions, prices of commodities or personal treatment of the workmen. The El Paso District Director has concerned himself with these conditions. It is agreed that, pending the completion of the proposed international agreement between Mexico and the United States, neither District will enter into these personal and economic matters.<sup>262</sup>

In fact, neither the protection of worker welfare nor the protection of growers’ interests fell within the explicit mission of the Border Patrol. Yet, Miller’s instructions had expressed the idea that protecting the agricultural industry was a valid concern when considering enforcement strategies. On the other hand, Miller instructed Wilmoth to stop using Border Patrol raids to target those growers who were mistreating undocumented Mexican workers.

In addition to revealing a great deal about the strategies behind the Border Patrol’s daily operating procedures, the memorandum also revealed possible enforcement paths not taken, and the implications of such decision-making. For at least a year, Grover C. Wilmoth had instructed the officers in his district to follow up on reports of abuse they heard about during interrogations of apprehended workers, or that they witnessed themselves in their raids on farms and general patrols. By raiding these farms, and perhaps even using the tool of repeated raids on these properties, Wilmoth may have hoped to force growers into modifying their practices, be it by improving housing

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<sup>261</sup> Ibid.

<sup>262</sup> Ibid., 4-5.

conditions or raising wages.<sup>263</sup> In employing these strategic raids, Wilmoth was evidently aware of the overall impact Border Patrol enforcement had, and could have, on workers' lives while they were in the United States. By explicitly rejecting Wilmoth's initiatives, the INS Commissioner revealed the central agency's unconcern with migrants' living and working conditions. Far from being a position of neutrality, a policy of non-intervention meant the Border Patrol allied itself with growers' interests, matched as it was with the agency's position on protecting crops. As the memorandum made clear, the joined Border Patrol policy of extreme sensitivity to growers' harvest schedules and non-intervention in worker abuse was the standard operating procedure in the San Antonio district, a set of practices that the INS Commissioner wanted to see in El Paso as well.

Directives from the Central Office had clear effects on Border Patrol officers' practices in El Paso. Following Commissioner Miller's memorandum, Border Patrolmen in the El Paso district had to take even greater care when deciding to enter growers' properties, especially as word leaked out about their new instructions. In June and July of 1949, Wilmoth reported several incidents with growers in New Mexico and Arizona and warned Miller that his office would "probably receive a report or complaint about this occurrence as nearly every farmer in West Texas and New Mexico is now aware of the limitations placed upon the authority of patrol officers of this Service."<sup>264</sup> In one case

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<sup>263</sup> Of course, the workers on the raided farms suffered the most immediate consequences from Wilmoth's directives, by being deported, but, Wilmoth may have hoped to effect lasting positive changes to workers' conditions in the El Paso district through the efforts of his officers. I thank Verónica Martínez for helping me see this point.

<sup>264</sup> Memorandum from El Paso District Director Wilmoth to INS Commissioner Miller, June 20, 1949, File 56246/339-F, RG 85, NARA II. Wilmoth went on to complain, "and you can guess who has been responsible for disseminating that information," but did not name that person. Later in the memo he described another complaint by a farmer from Fort Stockton who had reported Border Patrolmen going onto his farm. Wilmoth attributed this complaint to the fact that "J.C. Wilson of Pecos is passing out the information that an "understanding" was recently reached in

near the town of Tucumcari in northeastern New Mexico, Border Patrol officers searched the farm of Mr. Brown based on information from a former worker who claimed he had been displaced by undocumented workers who were being paid 35 cents per hour to drive a tractor, when he had been making 75 or 80 cents an hour for the same work.<sup>265</sup> Upon receiving this tip, Border Patrolman Clayton believed “the Mexicans should be investigated as it did not appear to be fair for American laborers to have to compete against such low wages.”<sup>266</sup> Immigration Investigator Clyde Nichols did not approve a raid on the farm, however, until he received information from the local sheriff’s office that Mr. Brown had traveled to El Paso to acquire the workers, thus possibly engaging in alien smuggling. After questioning the apprehended workers, Nichols discovered that although Mr. Brown had traveled to Ysleta, Texas, just outside of El Paso, and had transported the workers to his farm in northeastern New Mexico, “apparently he had not smuggled them into the United States.”<sup>267</sup> Perhaps in anticipation of criticism from the Central Office or to communicate the difficulties his officers faced under the new directives, Wilmoth forwarded Nichol’s report to Washington, attaching his own memorandum. With a slight inflection of sarcasm, he reported going ahead and processing the paperwork to deport the apprehended migrants anyway, having “deemed it inadvisable to return the aliens to the Brown farm.”<sup>268</sup>

In the months following, growers in the El Paso district continued to openly resist the Border Patrol, emboldened by the knowledge of the spatial limitations of Border

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Washington that our officers would not go upon the farm.” I do not know if this is the same man to which Wilmoth referred earlier in the memorandum.

<sup>265</sup> Report from Clyde Nichols, Investigator, Albuquerque, NM to Grover C. Wilmoth, El Paso District Director, June 18, 1949, File 56246/339-F, RG 85, NARA.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Memorandum from El Paso District Director Wilmoth to INS Commissioner Miller, June 20, 1949, File 56246/339-F, RG 85, NARA.

Patrol authority. According to one report from Wilcox, Arizona, Border Patrolmen attempted to stop grower Joe Deerman, Jr. while he was driving on a county road near his farm, after recognizing the passenger in the car as a migrant whom they had previously deported. According to the report, “Deerman did not stop the car, however, until he had turned into the gate at the farm, this move was apparently deliberate as we had signaled him we wanted him to stop.”<sup>269</sup> As Border Patrol officers apprehended the worker, Deerman pointedly reminded them that “you fellows need a warrant to come on to a place and the next time you come here, you had better have one before you come in my front gate.”<sup>270</sup> Deerman’s threat was ultimately successful. In a memorandum to District Director Wilmoth, Carson Morrow, Chief Patrol Inspector in charge of the Tucson area, reported that “in view of outstanding, confidential instructions...the apprehension of Mexican alien farm laborers on the farms in the Wilcox, Arizona territory should be discontinued for the time being.”<sup>271</sup> Growers’ continued contestation over the Border Patrol’s authority to enter their property, coupled with directions from the INS Central Office, led El Paso Border Patrol authorities to curb their activities in the region.

### **BORDER PATROL COLLUSION IN SOUTH TEXAS**

As the INS Central Office’s memorandum stated, Border Patrol relations with growers in South Texas operated more smoothly than in the El Paso region, due to a greater amount of collusion between officers and growers. Examining a couple of INS Central Office internal corruption investigations of senior patrol inspectors in South

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<sup>269</sup> Report from Patrol Inspector in Charge, Paul Watson, to Tucson, AZ Chief Patrol Inspector Carson Morrow, July 5, 1949, File 56246/339-F, RG 85, NARA.

<sup>270</sup> Ibid.

<sup>271</sup> Memorandum from Chief Patrol Inspector Carson Morrow to El Paso District Director Grover C. Wilmoth, July 8, 1949, File 56246/339-F, RG 85, NARA.

Texas allows for peek behind the curtain of annual enforcement statistics. Innovations in border enforcement beginning in the late 1940s, which shifted officers from other posts to a particular locale for short-term, high-intensity deportation drives disrupted local relations between growers and the Border Patrol. Because such mobilizations were temporary, however, nothing, aside from official investigations, prevented local Border Patrolmen from reverting back to their customary relations with growers once the drives were over. The two cases, one of Senior Patrol Inspector in Charge, Charles Wroten, in 1952, and the other of Senior Patrol Inspector in Charge, Albert Quillin in 1954, reveal the deep interconnections between Border Patrol officials and local communities. Though the two stations headed by officers Wroten and Quillin were small, and the number of officers they supervised were few, these stations were located in the heart of the Rio Grande Valley, in intensively cultivated areas with large numbers of agricultural workers.

During the spring of 1952, the INS initiated an internal investigation against Charles Wroten for allegations of neglect of duty, misuse of a government vehicle, and employing undocumented migrants on his own farm. At the time of his investigation, Charles Wroten was in charge of the Border Patrol office in Weslaco, Texas, whose jurisdiction included the town, located about seven miles north of the Rio Grande, as well as the territory extending down to the river. Although it is not clear who brought the charges, nor which event[s] triggered the complaints, the investigating officers in charge of the Wroten case primarily focused on incidents that had occurred during the preceding year.<sup>272</sup> The nature of the charges, however, suggested a pattern of behavior by Wroten extending far beyond 1951 alone.

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<sup>272</sup> Because I only have the investigators' report of the case, and not the entire file of the case, which would have included full transcripts of everyone interviewed during the investigation, some of the details of the Wroten case remained obscured, including the names of the investigating officers. The report they submitted, however, was quite detailed, listing all the

A picture emerged from the report of a Border Patrol office run with such extreme laxity, that officers did not even attempt a pretense at enforcement. The officers who served under Wroten, either permanently, or temporarily during a special detail in the summer of 1951, testified that Wroten communicated an attitude against apprehending migrants on farms, and even against patrolling the Rio Grande. Wroten only permitted officers to apprehend migrants found in public places.<sup>273</sup> INS investigators thought it particularly damning that none of the officers, even those who worked under him on a permanent basis were familiar with Wroten's schedule, or the nature of the work that he did, calling into question whether he did any work at all. According to the testimony of his subordinate officers and the owner of the local domino hall in town, Wroten spent much of his time playing dominoes.<sup>274</sup> When he was not playing dominoes, he also spent some of the time while supposedly on duty supervising the work of the crews in his own cotton fields while his government-issued Border Patrol vehicle was parked nearby. Under questioning, Wroten explained that he had driven the government vehicle onto his property merely to check on government-owned property he had stored there. Investigators found this explanation profoundly unpersuasive, noting that "the stored Government property was later found to be two old Border Patrol stop signs (used in

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charges, the evidence, and their conclusions about the validity of that evidence. An internal investigation would normally have sent in immigration investigators from outside the San Antonio district, and I assume this protocol was followed in this investigation as well.

Investigators' Report relating to the case of Charles E. Wroten, File 56364/41.16 Pt. 1, Box 84, RG 85, NARA.

<sup>273</sup> Investigators' Report relating to the case of Charles E. Wroten, File 56364/41.16, Pt. 1, Box 84, RG 85, NARA. Special task forces were assigned to South Texas during 1951 to conduct mass deportations, often airlifting deportees back to Mexico in an attempt to disrupt the quick turnarounds in return migrations to the United States.

<sup>274</sup> Ibid. Even though the investigators were pretty convinced Wroten played dominoes while on duty, and though his car was often seen parked near the domino hall, the domino hall's close proximity to the immigration office, as well as the witnesses' inability to pinpoint exact times, made it difficult to prove this charge conclusively, and investigators recommended that this charge be dropped.

checking highway traffic) which had been nailed to the wall of a shed. Both were described as in a state of collapse.”<sup>275</sup>

Wroten’s complete disregard for his duties as the senior patrol inspector in charge in Weslaco signaled more than just laziness. Wroten cultivated a large circle of friends and acquaintances in town; and those friendships, together with his own property interests, influenced his enforcement practices. Among his other charges, Wroten was also accused of improperly releasing migrant Doroteo Lara from custody after he had been apprehended by other patrolmen from the Weslaco office during the spring of 1951. Wroten claimed that he had released the migrant because Lara was married to an American citizen and was also ill, producing a doctor’s note from a local clinic as supporting evidence. Further investigation found that Lara was neither ill nor married, and had been released by Wroten as a favor to his friend, the city manager of Weslaco.<sup>276</sup> The incident surrounding Doroteo Lara’s release illustrates the close relations between Border Patrolmen and the local grower community in Weslaco, as well as the wide acceptance in the area for hiring undocumented laborers. In the first place, the city manager, a public servant, had hired Lara, an undocumented immigrant. Secondly, in trying to cover up his violation, Wroten persuaded a local doctor to write a note falsely diagnosing an illness for Lara. Furthermore, in trying to defend himself against other various charges, Wroten claimed that his wife owned and operated the farm, not him, and submitted five letters from area businessmen supporting his claim.<sup>277</sup> Wroten’s subterfuge broke down under questioning, and he admitted his ownership of the property, but the five letters written on his behalf again demonstrate the ties between Wroten and

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<sup>275</sup> Ibid., 4.

<sup>276</sup> Ibid., 2-3.

<sup>277</sup> Ibid., 4.

members of the local agricultural industry, as well as their willingness to lie for him to try to undermine an official INS investigation.

The fact that the San Antonio District Director allowed INS officers to own agricultural property at all is surprising as well, considering the possible conflicts of interest that could arise. The San Antonio District Director, William Whalen, had addressed these concerns before, in a memorandum to all the employees in his district, from 1949. Whalen stated that though he felt such a reminder was hardly necessary, because of the large amount of publicity and criticism the INS was presently receiving, “from certain sources because of the presence of wetbacks in such large numbers,” he decided to issue “a word of caution” to his employees:

Some of you may own or have an interest in acreage or other business enterprises on the side, in connection with which it may be necessary to employ laborers. As stated above, it is hardly necessary to advise you not to use any wetback labor. However, someone else may employ the laborers for you, and you may not be in a position yourself to determine whether such laborers are wetbacks. You should not take anything of that nature for granted. You should personally see to it that alien laborers of any kind of a job in which you have an interest, are lawfully in this country.<sup>278</sup>

Despite his many assurances to the contrary, Director Whalen evidently felt it necessary to issue his warning. Though most employees probably did not compromise themselves as much as Charles Wroten, the use of undocumented labor was so pervasive, and enough INS employees also owned external businesses and properties, that Whalen felt he had to issue a warning for them to maintain a sense of professionalism. The social

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<sup>278</sup> Memorandum from San Antonio District Director William A. Whalen to All Employees, San Antonio District, July 15, 1949. Included as evidence in Misconduct case of Senior Patrol Inspector and Assistant Officer in Charge in McAllen, TX, James L Turner, Nov. 30, 1954, accused of hiring undocumented migrant, fifteen-year old Ramona Molina Carrera to work as a housekeeper and nanny in his home. File 56364/41.16 Pt. 1, Box 84, RG 85, NARA.

and economic ties linking Border Patrol officers to their local communities were so varied and so extensive, that operating at odds with the community's wishes was very difficult, if not impossible.

Investigators found Wroten guilty of neglect of duty, of misusing a government vehicle, and of employing undocumented laborers on his farm. Considering the severity of the violations as well as Wroten's obvious guilt, investigators would have ordinarily called for his firing. Several mitigating circumstances, however, convinced investigators to recommend a lesser punishment. First, because he was eligible for retirement, investigators evidently believed he should be given the option to retire instead. Secondly, as they stated, "the wetback situation in the Lower Valley of Texas was completely out of hand and tremendous pressure was on the entire Service to relax its efforts there."<sup>279</sup> Whether the investigators believed the pressure came from within the agency, or from the outside community remains unclear, but this statement suggests that Charles Wroten's approach to enforcement was perhaps not so singular after all. In the end, investigators recommended Wroten's demotion to a non-supervisory position and transfer to a location outside the San Antonio district. After offering several locations along the northern U.S. border, and receiving no response from Officer Wroten, officials decided to transfer him to Detroit.<sup>280</sup> Before his transfer could be effected Wroten applied for retirement from the Immigration and Naturalization Service.<sup>281</sup>

The periodic drives that the INS undertook through the first half of the 1950s, culminating in Operation Wetback during the summer of 1954 momentarily disrupted the

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<sup>279</sup> Investigators' Report relating to the case of Charles E. Wroten, 5.

<sup>280</sup> Memorandum from F. L. Cuneo, Director of Personnel to W.F. Kelly, Assistant Commissioner, Enforcement Division, May 7, 1952, 56364/41.16, Pt. 1, Box 84, RG 85, NARA.

<sup>281</sup> Memorandum to W. F. Kelly of a telephone call from Cuneo, June 20, 1952, 56364/41.16, Pt. 1, Box 84, RG 85, NARA.

typical daily interactions between local Border Patrolmen and growers. For a few weeks or a month, Border Patrol chiefs had to incorporate officers from as far away as Buffalo and Miami into task forces designed to “sweep” the area’s agricultural fields. The task forces traveled in convoys and were often supported by an airplane providing directions from above to fields filled with workers. During the operation of these mass deportation drives, officers temporarily in South Texas might note irregularities in local officers’ procedures, or get feedback from surprised farmers irate at the task forces’ disruption of normal enforcement patterns, thus exposing local Border Patrol officers’ practices. This scenario embroiled Albert Quillin, Senior Patrol Inspector in charge of the San Benito unit in controversy in July 1954.

The best-known mass deportation campaign of the mid-twentieth century, Operation Wetback, which targeted the agricultural fields between California and Texas, was lauded at the time for its military-style innovations and splashy deportation numbers.<sup>282</sup> Scholars have identified Operation Wetback as a key turning point in the history of immigration enforcement on the U.S.-Mexico border, signaling the beginning of the hardening and militarization of the border that would become characteristic in the late twentieth century. The INS’s investigation of Patrol Inspector Albert Quillin demonstrates that increased militarization on the border did not equal a rigid approach to immigration enforcement. In fact, Quillin had been credited for innovating many of the techniques that were later used during Operation Wetback.<sup>283</sup> Ironically, the large-scale

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<sup>282</sup> For a detailed account of Operation Wetback please see, Juan Ramon García, *Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954* (Westport, CT: Greenwood Press, 1980).

<sup>283</sup> Hernández described Albert Quillin as part of a “new generation” of Border Patrolmen not overly influenced by local power dynamics, and demonstrating the larger “delocalization of U.S. immigration law enforcement.” Hernández, *Migra!* 152-156.

implementation of those techniques created the context that brought Quillin under suspicion for collusion with growers during Operation Wetback.

During the summer of 1954, Task Force D-8 was conducting operations in Cameron County, in and around the areas of San Benito, Rio Hondo, and Harlingen. The officer in charge of the task force, Senior Patrol Inspector Maurice Dixon, was disturbed by how badly things were going for his group of officers. He had just wrapped up a very successful drive in northern California, and the task force had been working as a well-oiled machine. Yet it seemed to the men that every field they hit in their assigned territory in South Texas was either filled with legally-contracted braceros or American citizens of Mexican extraction.<sup>284</sup> Dixon's early misgivings about the officer assigned to act as their guide, Albert Quillin, increased daily. Dixon began to suspect Quillin of deliberately leading them astray. Dixon's suspicions were confirmed when Quillin botched their planned raid on one of the largest farms in the San Benito area. Instead of guiding the convoy to the Wells farm as planned, he had sent them way past, alerting workers to the Border Patrol's presence. This allowed workers the time to escape across the Rio Grande to Mexico.<sup>285</sup> After the raid had gone awry, Quillin explained to Dixon that he had gotten "turned around and lost his bearings," despite his eight years as a

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<sup>284</sup> Exhibit C, Sworn Statement from Alan Murray, July 26, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA. Alan Murray, an Immigrant Patrol Inspector stationed in Niagara Falls, NY, stated that the morale of the unit plunged shortly after their arrival in South Texas. "All the other units, you see, we felt were lesser as far as our own pride went, and they are all catching them and making good hits and here we supposedly had two guys who knew the area and the one who was leading us all the time—Quillin—took us to fields that had nothing or had citizens or braceros."

<sup>285</sup> Exhibit A, First Sworn Statement of Maurice Dixon, Senior Patrol Inspector, West Palm Beach, FL, July 26, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA. The Wells farm was located very near the Rio Grande. In response to a question by Investigator E. R. Decker about how many workers he saw across the river who had escaped, Dixon estimated them at 100 or 150.

patrol inspector in that exact territory.<sup>286</sup> Disbelieving his story, Dixon lodged a complaint against Quillin, which triggered an internal INS investigation soon afterward.

In the course of the investigation, Immigrant Investigator Decker and Immigrant Inspector C.W. Gordy questioned officers who had worked with Quillin, including colleagues from nearby Border Patrol units who were familiar with his territory and practices. Some of Quillin's subordinate officers showed a marked reluctance to give negative testimony, whether out of fear that their words would get back to him, or fear of being implicated themselves.<sup>287</sup> But others were more open. His second-in-command, Wally Baxter, testified to Quillin's coziness with area farmers, stating, "My opinion is that he is friendly with the majority of the farmers in the San Benito area to the extent that when he meets them on the street, he drinks coffee with them and discusses everything about the farming situation."<sup>288</sup> The officers from the nearby Brownsville unit provided some of the most damning testimony when they reported straying onto territory normally patrolled by the San Benito unit and being met by surprised and hostile farmers who asserted that Quillin had assured them they would be able to keep their workers until a particular date. "Over a period of time this became such a common practice that some patrol inspectors told me they didn't like to work in that area, because of what they termed the static and mouthing of the farmers," stated Senior Patrol Inspector David Snow of the Brownsville unit.<sup>289</sup>

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<sup>286</sup> Ibid.

<sup>287</sup> Maurice Dixon raise the former concern, claiming that Quillin's men were aware that Valerie J. Trimble, the stenographer employed in the interrogation sessions, which first took place in Brownsville, Texas, was a friend of Quillin's. Perhaps in response to this, the investigation was moved to McAllen, Texas, and another stenographer was used. Second Sworn Statement of Maurice Dixon, August 5, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA.

<sup>288</sup> Exhibit B, First Sworn Statement of Wally Baxter, Immigrant Patrol Inspector, San Benito, TX, July 26, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA.

<sup>289</sup> Exhibit F, Sworn Statement of David Snow, Senior Patrol Inspector, Brownsville, TX, July 26, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA.

The investigation's testimony revealed both the general inertia that seemed to exist among Border Patrolmen when it came to reporting on the misconduct of fellow officers, and also the ways in which special law enforcement disrupted regular enforcement patterns. Officers such as Quillin were placed difficult positions as they sought to negotiate between their relationships with the local agricultural establishment and the momentarily altered Border Patrol practices. In addition to the tales of contretemps with San Benito-area growers used to working with Quillin, as well as general rumors about Quillin's closeness to the influential farmers of the area, Snow also recounted a conversation he had with Quillin during the time of the airlifts in 1951. After a month of intensive patrolling, Quillin had apparently had enough. During one visit to the Brownsville station, where the San Benito unit officers dropped off apprehended migrants for deportation processing, Quillin bitterly complained to Snow and another colleague that "he thought the airlift had gone on long enough now and it ought to quit and give farmers a chance to pick their cotton. The Immigration Service had promised the farmers that they would be able to pick their cotton with wetbacks and he thought the Immigration Service was obligated to keep its promise."<sup>290</sup> Though Snow was "amazed" he did not report Quillin to their superior officer, Fletcher Rawls. "I always more or less took the position that Quillin would sooner or later hang himself anyway," he said, "and I never made any attempt to run to McAllen to report such things."<sup>291</sup> In the end, though most local officers were well aware of Quillin's inappropriate relationship with growers, it was an officer from West Palm Beach, FL, working temporarily in South Texas, who brought a complaint against Quillin.<sup>292</sup>

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<sup>290</sup> Ibid., 3.

<sup>291</sup> Ibid.

<sup>292</sup> Snow also recounted an instance in which he confronted Quillin, during the period of the 1951 airlift, about rumors that Quillin was going around warning farmers the night before that the task

Quillin's own testimony only raised more questions about the nature of his specific relationships with growers. He admitted to being in significant personal debt to Rio Hondo grower Ernest Talbert, who had loaned Quillin \$5, 500 to purchase his house.<sup>293</sup> Thus, Quillin was under obligation to a man whose farm lay within his jurisdiction. Furthermore, Ernest Talbert was a member of an extensive family who owned several farms within Quillin's territory, inevitably raising questions about Quillin's professional interactions with the entire Talbert clan.

In questioning Quillin, investigators became suspicious about his general approach to immigration enforcement. In response to a line of questioning about whether or not he had ever pre-arranged with growers to deliver a certain number of migrants to the Border Patrol office, he said, "I have done that hundreds of times."<sup>294</sup> Quillin then began to spin an incredible tale about how growers sometimes drove truckloads of workers to the International Bridge in Brownsville upon Quillin's request, due to Border Patrol officers' lack of proper hauling equipment to do the job themselves. The questioner seemed skeptical:

Q: In this connection, you mean that the farmers, during the harvest season would voluntarily haul these aliens to Mexico for you?

A: Yes. In fact I will go so far as to say that I could have caught half of the aliens in my territory with my own telephone.<sup>295</sup>

Quillin's fantastical boast was belied by the Wells incident for which he was being investigated in the first place. If the farmers were so well trained that Quillin had merely

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force would be in their area the following day. According to Snow, Quillin "was rather flustered and embarrassed," giving some stories that Snow thought were "thin."

<sup>293</sup> Exhibit X, Sworn Statement of Albert Quillin, Senior Patrol Inspector in charge, San Benito, TX, Aug. 2, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA.

<sup>294</sup> Ibid., 35.

<sup>295</sup> Ibid., 36.

to call them on the telephone for them to deliver their illegal workforce, why had Mr. Wells allowed his workers to evade arrest and flee across the river into Mexico?

If indeed growers hauled workers to the border themselves, then the more likely scenario was that they did not do so during the height of the harvest season, but once it was already over. Quillin's unit could register the apprehension numbers they desired and growers could rid themselves of a surplus workforce after getting their crops picked. That scenario corresponded more closely to Brownsville officers' reports of growers' stunned dismay if they were raided by forces other than Quillin's men, as well as their complaints that Quillin had promised them they could get their tomatoes harvested.<sup>296</sup> In addition, the existence of these types of arrangements between Senior Patrol Inspector Albert Quillin and area growers explains why Quillin was so flustered during special deportation drives, such as the airlifts of 1951 or Operation Wetback in 1954. During these campaigns, which were initiated during the summer cotton-harvesting season, Quillin had no control over the timing of the deportations. As the investigation revealed, during these campaigns Quillin made clumsy attempts to undermine the INS's enforcement efforts, ultimately unmasking his operations in the San Benito territory. These campaigns were temporary, however, most of the time, local Border Patrol forces controlled the rhythm of enforcement. If South Texas Border Patrol units delivered the apprehension numbers, was the INS predisposed to look behind the numbers?

In the end, Investigator Decker and Inspector Gordy concluded that the evidence against Albert Quillin, while extensive, was not specific enough to convict him of collusion or other misconduct beyond the failure to lead the Border Patrol unit onto the

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<sup>296</sup> Exhibit K, Sworn Statement of John Brandenburg, Patrol Inspector at Brownsville, TX, Aug. 1, 1954; and Exhibit L, Sworn Statement of Donald Hansis, Patrol Inspector at Rouses Point, NY, formerly stationed in Brownsville, TX, Aug. 1, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA.

Wells farm. However, because of the comprehensive nature of the suspicions against him, investigators felt Quillin should be “removed from the supervisory position in his present area.”<sup>297</sup> His ultimate fate is unclear in the records. It appears that he was not immediately fired. A memorandum listing the INS officers who separated from duty during 1954 did not contain Quillin’s name.<sup>298</sup>

The INS investigation of Albert Quillin for misconduct during 1954 complicates the notion of a Border Patrol force becoming independent from local bases of authority during the first half of the 1950s. If Albert Quillin represented a new generation of Border Patrolmen when he first joined the Service in 1940, by 1954, he was part of the old guard, with deep and extensive ties to local power brokers. The agricultural system, whose foundation was built by undocumented labor, was so deep and wide that INS officers could easily become implicated in it by seemingly simple acts of living life. In Quillin’s case, in buying a house and becoming indebted to an area grower, he ratcheted up the social ties connecting Border Patrolmen to the local growing establishment. Finally, the investigation of Albert Quillin helps shed light on the burgeoning apprehension numbers in South Texas during the latter part of the 1940s and first half of the 1950s. As the extensive testimony from the investigation revealed, Quillin’s apprehension numbers were not all they seemed to be. Large numbers of apprehensions and deportations, as experienced in South Texas, did not necessarily disrupt the agricultural economy.

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<sup>297</sup> Report of Alleged Misconduct of Senior Patrol Inspector Quillin, Aug. 16, 1954, File 56364/41.16, Pt.1, Box 84, RG 85, NARA.

<sup>298</sup> Undated memorandum, Separation from the Border Patrol, File 56364/41.16, Pt.1, Box 84, RG 85, NARA. The memorandum did show, however, that Maurice Dixon, the man who lodged the complaint against Quillin, resigned from the Border Patrol on September 24, 1954.

## CONCLUSION

During the first half of the twentieth century, restrictive U.S. immigration laws continuously narrowed the boundaries of acceptability for legal immigration into the country. Even as migrants found it increasingly difficult to obtain immigration visas, U.S. economic demands for the kind of cheap labor usually performed by immigrants did not diminish. Under pressure from business interests in the Southwest, legislators extended exemptions to allow for the temporary migration of Mexican workers into the U.S. These exemptions and loopholes created a precedent of labor mobility and flexibility at the U.S.-Mexico border, while still maintaining the logic and scaffolding of restriction. As a result, Mexicans were defined in a state of permanent temporariness, and less than full members of U.S. society. As I will demonstrate later in this dissertation, the U.S. state was not alone in contributing to this formulation of Mexican migration. The Mexican government also played a significant role in maintaining the temporariness of Mexican migration through its reluctance to let go of its citizens and its support of U.S. deportation efforts up through the mid 1950s.

As the agency charged with the enforcement of immigration laws, the INS also had to face the paradox of the U.S.'s desire for Mexican labor but unwillingness to have many Mexican American citizens. The INS used the technique of voluntary departure at the U.S.-Mexico border because it was more convenient and less expensive than formal deportation. The INS had used voluntary departure since the 1920s, but it became the primary tool for deporting Mexicans during the 1940s. Between 1945 and 1950, over 1.4 million Mexicans were deported through voluntary departure. What was once a convenient tool for effecting the expulsion of unauthorized migrants helped create a convenient border that facilitated movement through the mechanism of restriction. Scholars have begun to take a closer look at the defining role of deportation in U.S.

immigration history. That is, immigration has not been all about entrance and eventual integration. It has also been as much about restriction and expulsion. Nowhere has this been more evident than at the U.S.-Mexico border. Rather than thinking about deportation only as a failure of the system of enforcement, the Border Patrol's heavy use of voluntary departure on its southern border has shown that expulsion through voluntary departure was also a mechanism for the management of the mobility of Mexican laborers.

Though concerned with fundamental issues of national sovereignty and authority, immigration laws and Border Patrol enforcement practices were not pure expressions of national power. On the contrary, they were influenced, shaped, and contested in daily interactions between local growers and Border Patrol officers living and working in the border region. As this chapter has demonstrated, Border Patrol enforcement practices were shaped as much by the contours of the border agricultural system, as it shaped the border agricultural system through its enforcement of laws.

## **Chapter Four: Exploitative Villain or Community Leader? Agricultural Labor Contractors, the State, and Control over Worker Mobility**

On September 12, 1946, a group of fifty men, women, and children had gathered in the yard adjacent to Armando Salinas's house in Elsa, Texas, in Hidalgo County.<sup>299</sup> Their belongings already packed, the migrant workers, all residents of Elsa and other nearby towns, climbed into the trucks to begin the long journey north from deep South Texas to work in cotton fields outside the state. Before they could leave the yard, however, the small convoy was stopped by the arrival of Thad Hoot, Deputy Labor Commissioner, who detained the entire group, threatening them with arrest if they did not stay put. According to the subsequent suit brought by Armando Salinas against Mrs. Maureen Moore, Commissioner of the Bureau of Labor Statistics, and Thad Hoot, her deputy, Thad Hoot had used "threats and intimidation," against Mr. Salinas and his assembled relatives and friends, "browbeating and frightening this plaintiff and his relatives and friends, and [having] his said friends and relatives bunched up like little pigs in a sty; without shelter or food."<sup>300</sup>

Thad Hoot detained the migrant workers, accusing Armando Salinas of operating as a labor agent in Texas without first purchasing the requisite licenses, posting the bonds, and paying the occupation taxes. For his part, Salinas denied being a labor agent, describing himself as a crew leader, the head of a self-organized kinship group working

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<sup>299</sup> In the spirit of full disclosure, Armando Salinas is my grandfather. Previously unaware of this history, I first came across a reference to this lawsuit in the newspaper. "High Tribunal Affirms Local Labor Case Rule," *Valley Evening Monitor*, March 21, 1947.

<sup>300</sup> *Armando Salinas v. Mrs. Maureen Moore, et al* (Tex. 92d Dist. Ct. 1946).

together to find the places with the best wages and working conditions to maximize their earnings.

More than just a technical disagreement about licenses procured and taxes paid, the disagreement between Salinas and Hoot centered on the control over the mobility of Mexican American migrant farm workers. State of Texas labor officials used the regulatory apparatus meant to manage employment agencies that moved thousands of workers into the agricultural and railroad industries, against smaller endeavors of twenty to fifty workers organized into field working crews. Labor agents primarily made their money in connecting laborers to employers, charging workers, employers, or both, a fee for providing the procurement service. Labor agents often provided transportation to the place of employment, charging workers for that as well. By contrast, agricultural crew leaders traveled with workers to their destinations, often sharing their accommodations, and serving as intermediaries between employers and workers, and supervising some aspects of the agricultural work. Though they did not fulfill the same role in the agricultural economy, labor agents and crew leaders resembled each other in that they both facilitated the movement of low waged workers.

Despite the differences between different types of facilitators of labor mobility, from labor agents, crew leaders, or *coyotes*, both the U.S. and Mexican governments depicted them as exploiters of poor workers.<sup>301</sup> In sharing such a view of such people, U.S. growers and Mexican government officials were able to forge common ground during difficult bracero program negotiations in South Texas during 1947. The agreement between American growers and Mexican government officials about the villainy of the labor contractor created a convenient scapegoat that could be held responsible for the ills

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<sup>301</sup> The term *coyote* was used to describe a person who smuggled migrants across the border for a fee.

of the agricultural labor system, and allowed both parties to face each other during the negotiations of the many iterations of the bracero program. As a 1947 labor conference held in South Texas between growers, Mexican officials, and U.S. INS officials demonstrated, once the parties deflected the blame for workers' desperate conditions onto the intermediary labor contractors, then they could make gestures about "turning the page" on the past, and cooperating in the future.

Focusing on the labor contractor, in both the seasonal domestic migration of Mexican American farm workers, and in the illegal international migration of Mexican agricultural workers, Texas and the Mexican government officials attempted to establish greater state control over workers' mobility. Viewing self-organized migration groups as chaotic, inefficient, and or exploitative, officials sought to bring Mexican migration further under the wing of both the Mexican national state and Texas state control.<sup>302</sup>

#### **CONTROLLING MEXICAN MIGRATION: TEXAS EMPLOYMENT AND LABOR AGENCY LAW**

Salinas and his partner Tomás Castillo owned three trucks, which they used to transport the workers to their location, a location chosen after consultation with the entire group and decided upon as a group. According to Salinas, he did not charge the workers, to whom he referred as his "relatives and friends," for their transportation, nor deduct anything from the wages they earned picking cotton. He was paid, directly from the grower, fifty cents per hundred pounds of cotton picked by the crew for his job weighing cotton, hauling cotton to the gin, and hauling water from town to the workers. In his

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<sup>302</sup> For more about Texas state labor agencies' attempts to organize agricultural labor markets, see José Guillermo Pastrano, "The Bureaucratic Origins of Migrant Poverty: The Texas Cotton Industry, 1910-1930," *Journal of Peasant Studies* 35:4 (October 2008), 688-719.

petition to the 92nd District Court in Hidalgo County, he pointedly and repeatedly stated that he received not a “penny in compensation” from the workers themselves.<sup>303</sup> The group, described by Salinas as working together as “friends and co-laborers” for “their common good,” entrusted him to lead and negotiate for them with prospective employers, relying on his “judgment and loyalty to see that they are treated fairly.”<sup>304</sup>

The threats and intimidation state labor officials used against Mexican American migrant farm workers to inhibit and control their movement stood in great contrast to the manner in which agencies such as the Bureau of Labor Statistics and the Texas State Extension Service presented themselves to the public. Emphasizing the building facilities they helped maintain for migrants’ rest and refreshment, officials touted their service to migrants, by helping efficiently direct migrants to available work, thus decreasing time lost on the migrant road. The actions of state employees such as Thad Hoot, supported by legislation such as the Texas Employment Labor and Agency Law of 1943, revealed state officials’ true intent in keeping Mexican American labor within the state’s borders as much as possible during harvesting season. Ironically, to be able to pass laws effectively restricting the mobility of American citizens within the borders of their own country, seemingly violating the migrants’ fundamental civil rights of free movement, the state of Texas targeted the labor intermediary long designated as the enemy of free labor in American history: the labor contractor.

Charging Hoot with trespassing on his property and attempting to force him to buy licenses and post the bonds, fees he deemed “unlawful” and “prohibitive,” Armando Salinas hired Edinburg attorney and long-time Hidalgo County politico, Joe V. Alamía to represent him in a suit against Maureen Moore and Thad Hoot. In the suit, Salinas’s legal

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<sup>303</sup> Ibid.

<sup>304</sup> Ibid.

counsel asked Judge Bryce Ferguson for an injunction against the two and their “servants, lackies [sic], employees, deputies and Inspectors” ordering them from “interfering with this plaintiff in the free use and operation of his said trucks or causing this plaintiff or his truck drivers, relatives and friends to be arrested or otherwise interfered with on any of the highways of the State of Texas or elsewhere.” Judge Ferguson rejected the suit, ruling that the question should be settled in criminal court, if or when Maureen Moore filed criminal charges against Salinas for being an unlicensed labor agent.

Though he ruled the lawsuit outside his jurisdiction, Judge Ferguson did find that Salinas was indeed operating as a labor agent, while agreeing with Salinas that the fees levied by the state of Texas were excessive. “We could not operate in the Valley without the crew leaders, and the costs of his licenses and bonds is prohibitive,” Ferguson averred.<sup>305</sup> Ferguson observed that the Employment Labor Agency Law was in place to “discourage Texas labor from crossing state lines,” noting that “little attention is paid by state officials to the crew leaders who move from county to county.”<sup>306</sup> Tellingly, the crew led by Salinas had been working in the South Texas cotton fields during the entire summer, and it was not until they were preparing to leave the state to follow the cotton crop that the labor officials began their program of harassment. Demonstrating their awareness of the motivations behind such legislation, Salinas took pains to convince the court that neither he nor the workers were depriving South Texas of their agricultural labor force, arguing that in addition to having worked the during the South Texas cotton season, they intended to return to Hidalgo County in time for the beginning of the vegetable harvest.<sup>307</sup> The Fourth District Court of Civil Appeals upheld Judge

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<sup>305</sup> “High Tribunal Affirms Local Labor Case Rule.”

<sup>306</sup> *Ibid.*

<sup>307</sup> *Armando Salinas v. Mrs. Maureen Moore, et al.*

Ferguson's original ruling, however, and Armando Salinas was ordered to pay the defendants two hundred dollars plus court costs.

Vilified by American growers and Mexican governmental officials alike for being the corrupt, exploitative element in the agricultural labor system, the figure of the labor contractor/crew leader represented one of the few options ethnic Mexican agricultural laborers had for achieving financial stability in the United States. Crew leaders were often agricultural laborers who had accumulated enough capital after years of labor to buy a truck, used to transport people and goods to and from the agricultural fields. In many cases, relatives, neighbors, and other kin made up the crews the leaders organized. Doubtless some crew leaders engaged in the kind of corrupt practices that growers alleged took place: skimming off the workers' already low wages and charging exorbitant prices for food and transportation, but often the crew leaders rightly earned the trust of Mexican families and communities of which they were a part.

Armando Salinas contended that he was not a labor agent because he did not charge workers a fee for finding the group employment, housing, or transportation, but state officials cited the Texas Employment and Labor Agency Law to the contrary. The law classified any person as a labor agent who, with or without a fee, attempted to procure employment for "common laborers or agricultural workers."<sup>308</sup> Under the guise of protective regulation for agricultural workers, the legislation represented a thinly veiled attempt to discourage the movement of migrant farm workers, especially out of the state. Focusing on manual laborers, and specifically on agricultural workers, the legislation broadly encompassed anyone who might procure work for another. The law did not recognize the distinction that Salinas wanted to draw between himself as a crew

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<sup>308</sup> Texas State Bureau of Labor Statistics, *Texas Employment and Labor Agency Law* (Austin: 1943), 3.

leader and co-laborer along with the other workers, and that of a labor agent whose remuneration was drawn from the workers themselves.

According to the 1943 legislation, labor agents had to apply for licenses to operate within the state, post a hefty bond, as well as pay an additional annual tax if the agent transported workers across state lines. The agent was required to purchase a license, costing one hundred and fifty dollars, for each county in which the agent intended to operate.<sup>309</sup> For a crew leader at the head of one group of fifty workers who traveled the state following the cotton harvest, these licenses were prohibitive and impracticable. Furthermore, in order to obtain an operating license the agent had to include with his or her application, the “affidavits of at least five creditable citizens” from the counties in which the agent intended to operate, to testify to the agent’s “good moral character.”<sup>310</sup> Moreover, labor agents had to post a five thousand dollar bond, in order to guard against any “false statement or representation” made to prospective workers. The bond guaranteed a fund from which the state could draw if workers were in any way “injured or aggrieved” by any “false or fraudulent” statements made by labor agents.<sup>311</sup> The state’s seeming concern for workers’ possible victimization by defrauding and corrupt labor agents stood in stark contrast to the complete lack of legislation regulating agricultural workers’ wages, housing, and working conditions in Texas.<sup>312</sup> In addition to licenses and bonds, Texas labor agents who wished to take workers across state lines had to pay an annual state tax of six hundred dollars as well as a county tax ranging from one

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<sup>309</sup> Ibid., 5.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid., 6.

<sup>312</sup> For example, neither the Social Security Act of 1935, establishing a federal pension system, nor the Fair Labor Standards Act of 1938, establishing a national minimum wage, applied to agricultural workers. Furthermore, growers employing domestic migrant farm workers had no obligations to provide housing, or address workplace injuries of any kind.

hundred to two hundred dollars, depending on the county's population.<sup>313</sup> The numerous taxes, bonds, and fees assessed against labor agents, on the one hand, and the paucity of legislation regulating other aspects of agricultural labor in Texas, on the other suggests that the state was less concerned with workers' wellbeing and more concerned with workers' mobility. Judge Ferguson's statement asserting that the labor agency law was mainly used to discourage migrants from leaving the state, and mostly left crew leaders alone as long as they stayed in Texas, supports this view.

In passing the 1943 legislation which employed indirect methods to impede the mobility of ethnic Mexican agricultural laborers, the State of Texas updated earlier laws that sought to achieve the same ends. As historian David Montejano has demonstrated in *Anglos and Mexicans*, the Texas agricultural industry and the state legislature implemented a series of informal and formal measures to create a temporarily captive seasonal agricultural labor force in order to keep wages extraordinarily low, a phenomenon he termed the "web of labor controls."<sup>314</sup> The Texas Employment and Labor Agency Law of 1943 bore a close resemblance to the Emigrant Labor Agency Laws passed by the Texas legislature in 1929, the latter which included occupation taxes, licenses, and bonds, all features of the 1943 law as well. The original law was also designed to discourage the movement of migrants across state lines, especially to Midwestern sugar beet fields.<sup>315</sup> The main difference between the 1929 legislation and its later iteration was that the earlier law proposed a five thousand dollar bond to guarantee the transportation for migrants' return to Texas. A federal court ruled the

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<sup>313</sup> *Ibid.*, 7.

<sup>314</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987), 197-219.

<sup>315</sup> *Ibid.*, 210-212.

assessment of this bond unconstitutional.<sup>316</sup> In the later legislation, the five thousand dollar bond was required to protect the job seeker from fraudulent or misrepresenting statements, instead of needing the bond to guarantee the migrants' transportation back home. This revision between the two laws further suggests that the state of Texas made demands on labor agents for the sake of expediency, rather than any moral rationale.

In targeting labor contractors and imbuing the legislation with moral overtones, state legislators exploited a deep-seated hostility in U.S. society against labor middlemen, exemplified by the immigrant padrone of the nineteenth century. As historian Gunther Peck has shown, during the last decades of the nineteenth century an expanding federal immigration bureaucracy, middle class reformers, and labor unions joined together in a campaign against padrones, identifying such immigrant labor contractors as being the enemies of free labor.<sup>317</sup> Padrones were often stigmatized in the popular press as purveyors of Old World vices of servility and degradation, thus undermining the values of freedom and independence attributed to the American worker. The confluence of the efforts from government agencies and civil society to undermine the influence of the immigrant padrone helped usher in the passage of the Foran Act in 1885, which prohibited the "importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States."<sup>318</sup> By the middle of the twentieth century, then, the figure of the exploitative and despoiling labor contractor had already been an enduring image in American society for over fifty years. It represented no big

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<sup>316</sup> Ibid., 212.

<sup>317</sup> Gunther Peck, *Reinventing Free Labor: Padrones and Immigrant Workers in the North American West, 1880-1930* (Cambridge: Cambridge University Press, 2000).

<sup>318</sup> Ibid., 84. The Foran Act, or the Alien Contract Labor Act, as it came to be called, remained on the books for most of the twentieth century. Because of this legislation, moreover, the Immigration and Naturalization Service was required to offer exemptions to Mexican agricultural workers receiving contracts as braceros before they entered the United States.

leap for the State of Texas to pass legislation regulating the operations of agricultural labor agents. Furthermore, in requiring affidavits to testify to the labor agents “good moral character” in the 1943 legislation, state officials were calling into question the agents’ moral integrity, thus playing into existing concerns about labor agents’ typical modes of operation. Thus it was quite ironic that the State of Texas played on long-held fears of labor middlemen as the enemies of free labor in order to pass legislation designed to manipulate and control the free movement of Mexican American migrants.

In his lawsuit against labor officials from the state of Texas, Armando Salinas protested against what he called the illegal “trespass” of Hoot onto his private property when Hoot entered Mr. Salinas’s yard to detain Salinas and the rest of the group when they were on the verge of initiating their journey up north.<sup>319</sup> The petition suggested that Mr. Hoot had entered the Salinas property on numerous occasions, and was one reason Salinas sought the restraining order against him. In some ways, Salinas’s complaint echoed the complaints of farmers challenging the right of Border Patrol officers (addressed in Chapter 3). In contrast to the ambiguity surrounding the power of the Border Patrol to enter farmers’ property, and the political pressure farmers could bring upon Border Patrolmen from above, no ambiguity existed regarding Hoot’s authority to enter Salinas’s property and conduct interrogations. According to the Texas Employment and Labor Agency Law of 1943, deputies and inspectors from the Bureau of Labor Statistics had the “authority of peace officers in making arrests of any person or persons who violate, in their presence, any of the provisions of this Act.”<sup>320</sup> Furthermore, as a deputy of the Bureau of Labor Statistics, Hoot also had the power to “enter any employment office at any time when such employment office is open for business and

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<sup>319</sup> *Armando Salinas vs. Maureen Moore, et al.*

<sup>320</sup> *Texas Employment and Labor Agency Law*, 14.

inspect the registers and all other records,” belonging to that office.<sup>321</sup> Though the wording of this section of the law suggested that lawmakers had public, bricks-and-mortar establishments in mind when crafting the employment agency legislation, it nonetheless gave Hoot the power to enter Armando Salinas’s homestead. While there, Hoot allegedly asserted his authority in an aggressive and threatening manner, thus going beyond the *letter* of the law, to inspect labor agencies, more closely approaching the *spirit* or motivation of the law, which was to discourage the movement of workers out of the state of Texas into other labor markets. Hoot sought to accomplish this aim by threatening and intimidating the migrants.

Armando Salinas’s account of abusive labor officials provided a stark contrast to the image that state labor agencies wanted to project to the public. In a special feature insert included in the April 20, 1947 Sunday edition of the South Texas publication, the *Valley Morning Star*, the Texas A&M College Extension Service promoted its expanding services to traveling farm workers, all geared toward managing the agricultural labor flow. The story described the Extension Service’s various services, including distributing information at the quarantine stations at Falfurrias and Riviera highways bound north out of the Rio Grande Valley.<sup>322</sup> The Extension Service also employed female agents to

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<sup>321</sup> Ibid.

<sup>322</sup> The same highway checkpoints that served as way stations to question migrant farm workers about their destinations, as well as INS checkpoints to question travelers’ citizenship status, were also used by the U.S. Department of Agriculture as quarantine stations to inspect cattle being transported north from the border region. Officials from both sides of the border were engaged in containing hoof-and-mouth disease at the time. The convergence of multiple inspections, of commodities and people, at one site demonstrate several important dynamics at work. First, these highway way stations were manifestations of the northern edge of the expanded border zone, which I have discussed more fully in an earlier chapter. In manifesting the northern edge of the border zone, these sites brought together similar processes of inspection that others have described occurring at the actual U.S.-Mexico border. For works dealing with various border inspections by public health officials, INS officers, and USDA officials, see: Alejandro Lugo, “Theorizing Border Inspections,” *Cultural Dynamics* 12:3 (2000), 353-373; Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley:

visit the homes of migrant farm workers in order to give the women “an understanding of the program and to obtain their assistance in getting the cooperation of the male workers.”<sup>323</sup> In addition, the Extension Service also managed community funded reception centers “where workers can rest, bathe, and cook a hot meal.”<sup>324</sup>

Employing some of the worker-centered language developed by the Farm Security Administration during the late 1930s and early 1940s, the Extension Service’s extremely pared down service program, however did not conceal the real reason behind its operations.<sup>325</sup> Because of the program, officials asserted, “unlike the hit-or-miss migrations of other days, the laborers this year, as they have for the past three years, will be following an orderly pattern, will know where there is a need for their labor, and will be certain of a welcome on their arrival.”<sup>326</sup> Though promoted as an ideal resource for traveling migrant families, workers’ reluctance to use the services demonstrated, perhaps, past experiences with state labor officials and/or suspicions about the agency’s motives. According to the article, “at first workers were suspicious of this newly developed interest in their welfare, but as they tested the word of the fieldmen and the county

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University of California Press, 2005); and Rachel St. John, “Divided Ranges: Trans-border Ranches and the Creation of National Space along the Western U.S.-Mexico Border,” in *Bridging National Borders in North America: Transnational and Comparative Histories*, Benjamin Johnson and Andrew Graybill, eds. (Durham: Duke University Press, 2010), 116-140. I thank John McKiernan-Gonzalez for helping me see this point.

<sup>323</sup> “Migratory Agricultural Workers to Start Northward Soon,” Sunday insert, the Star Farmer, *Valley Morning Star*, April 20, 1947.

<sup>324</sup> *Ibid.*

<sup>325</sup> For more information regarding the Farm Security Administration’s extensive, yet complicated program to address the everyday aspects of migrant farm workers’ wellbeing, see Veronica Martínez-Matsuda, “Making the Modern Migrant: Work, Community, and Struggle in the Federal Migratory Labor Camp Program, 1935-1947 (Ph.D. diss. University of Texas at Austin, 2009).

<sup>326</sup> “Migratory Agricultural Workers to Start Northward Soon.”

agents, they learned to trust them and to depend more and more on their advice as to where to go.”<sup>327</sup>

The article attested to a new feeling of cooperation between growers, workers, and the government, with government officials playing an important role in facilitating this improved relationship. As Armando Salinas’s lawsuit demonstrated, however, the friendly instructions about where migrants could travel for work sometimes turned into threatening and coercive attempts to limit workers’ mobility within the borders of the United States. As Carey McWilliams has described, many migrants believed that state and law enforcement officials sought to prevent their movements. As they left their home regions, many migrants tried to avoid the intervention of labor officials and law enforcement officers, traveling at night and skirting the major highways. “In their minds, they are fugitives fleeing through the night, attempting to avoid innumerable perils and hazards.”<sup>328</sup> What labor officials considered a necessary intervention in order to rationalize the agricultural labor market and for the migrants’ own good, some migrants saw the state’s attempt to interfere with their rights to travel in search of better wages.

### **MIGRANT CREWS: EXPLOITATION OR SELF-ORGANIZATION?**

Though the state of Texas made no distinction between labor contractors and crew leaders for the purposes of its legislation in the Texas Employment and Labor Agency Law, Carey McWilliams captured the significant differences in *Ill Fares the Land*. McWilliams’s descriptions echo those of Salinas. According to McWilliams:

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<sup>327</sup> Ibid.

<sup>328</sup> Carey McWilliams, *Ill Fares the Land: Migrants and Migratory Labor in the United States*, 269.

The Mexican contractor is not a contractor in the strict sense of the term... The contractor is really a *capitán* or *jefe* who happens to own a truck. In addition to transporting workers, he is hired to weigh the cotton, take charge of the commissary, and oversee the work...He may also be paid for the use of his truck in hauling cotton to the gin.<sup>329</sup>

His description of the *jefe*, or crew leader, matched Salinas's almost exactly, even going as far as noting that many of the crews were made up of family units who, because they often did not speak English, turned to the leadership of the crew leader, who with his knowledge of English mediated between the crew and the English speaking grower.<sup>330</sup> McWilliams deplored this system overall, arguing that such worker groups tended to defer to the crew leader and shunned union organizing.<sup>331</sup>

During the mid-1940s most mainstream labor unions paid little attention to agricultural workers, especially in Texas. Thus, the fact remained, that workers and family members organized themselves into these groups, as a method of finding work and negotiating conditions. According to Carey McWilliams's estimation, sixty percent of the cotton harvested in Texas was performed by workers organized and headed by a crew leader.<sup>332</sup> Labor crews' mobility to other regions of the country with better wages and working conditions than those in Texas also represented one of the few viable options for improving their conditions, and for those with no personal form of transportation, becoming part of a work crew was a necessity.

The crew leader described as described by Carey McWilliams and Armando Salinas differed significantly from that of the classic labor contractor. That labor contractor tended to receive a fee from the employer per worker. The labor contractor

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<sup>329</sup> Ibid., 233.

<sup>330</sup> Ibid., 232-234.

<sup>331</sup> Ibid., 233.

<sup>332</sup> Ibid., 232.

might also charge workers a fee for finding employment and/or charge them for their transportation and housing.<sup>333</sup> Thus, the labor contractor made money several times for the same labor transaction. Furthermore, because he made his money up front, the labor contractor had no incentive to make sure he sent workers to areas where the work was abundant and sustained.<sup>334</sup> On the other hand, crew leaders made their money alongside the workers, by weighing the cotton, bookkeeping, hauling water to workers and cotton to the gin. If the field workers did not work, neither did the crew leader, and thus, neither were paid. In that way, it behooved the crew leaders to find the locations with the most sustained work. And while unscrupulous crew leaders might cheat workers, by overcharging them for groceries or skimming off the top of their wages, the crew leader system was not inherently more exploitative than any other agricultural labor system, and had the possibility for being a good deal less.

For many Mexican male agricultural workers, accumulating enough capital to purchase a truck and becoming a crew leader represented one of the few avenues for economic stability for themselves and their families. Growing up in Granjeno, Texas, a small town located on the north bank of the Rio Grande in Hidalgo County, Alberto Magallan began to work in the field as a young schoolboy during the 1940s and 1950s, working weekends, Christmas vacations, and during the summer.<sup>335</sup> He and his siblings worked for a crew leader, Carlos Garza, who also lived in the same small town. While Alberto Magallan's father worked in nearby construction jobs, he entrusted his children to Carlos Garza's crew. During the summer Alberto and his siblings traveled with Garza

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<sup>333</sup> Ibid., 250-251.

<sup>334</sup> Because growers wished to harvest their crops as quickly as possible, they often over-recruited, creating a glut of workers who might harvest the crop in just a few days or a week. McWilliams, 224.

<sup>335</sup> Alberto Magallan, interview by author, December 29, 2009.

up from the border to the coastal cotton region near Corpus Christi. After that, the younger siblings traveled back to the Rio Grande Valley to begin the school year, while the older Magallanes continued with Carlos Garza's crew into the cotton region near the Texas Panhandle. Carlos Garza's crew was made up of his relatives and other members of his small community in Granjeno.

Alberto Magallan's father purchased his own truck to transport workers and also became a crew leader, after a number of years of working in manual labor in South Texas. His labor, in addition to his children's agricultural labor with Carlos Garza's crew, and his wife's unpaid labor in their home allowed him to accumulate enough money to purchase a bob-tail truck. "At a later date my dad bought a truck and he would haul people...We became a crew, cuz there was a bunch of us and he said, might as well buy my own truck. I could use my whole family. But we took other people with us, related to us, cousins, uncles," Alberto Magallan recalled.<sup>336</sup> In buying a truck and forming a labor crew from amongst his own children and other relatives, Alberto Magallan's father followed the path of many other residents of Mexican communities in South Texas. In doing so, he built on his own experience, the knowledge and experience of people like Carlos Garza, and the experience of his children who worked in Carlos Garza's crews.

Though often depicted as chaotic wanderers crowded into rickety trucks traveling the highways, Mexican farm workers established their migratory circuits according to many years of experience. Even as they consistently remarked upon the "aimless wandering" of migrant workers, labor officials from the Texas State Employment Service and other state labor departments carefully studied workers' migratory patterns as they constructed their plans for the rationalization of the agricultural labor system in

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<sup>336</sup> Ibid.

Texas.<sup>337</sup> Mexican migrant workers began picking cotton in the Rio Grande Valley from mid-June through the end of July. Workers then headed to the Coastal Bend region of Texas around Nueces County once the cotton season got underway there. As autumn approached, the Central Texas region's cotton season kicked into high gear, its season overlapping somewhat with the Coastal Bend and perhaps creating some competition for labor. Many workers then moved on further north after that, picking cotton in the region near the Texas Panhandle, around Lamesa and Lubbock. Migrant workers then returned to South Texas in time for the winter fruit and vegetable crops, thus completing their migratory circuit.<sup>338</sup>

Using the established migrant circuit as a model, labor officials from the Texas State Employment Service fashioned a systematic state intervention into agriculture, attempting to regulate the state's agricultural migration flow. Soon after it had been established in 1935, the Texas State Employment Service (TSES) undertook a comprehensive survey of worker migrations, agricultural regions, and growers' labor needs in order to design "employment techniques," for future agricultural seasons. According to the TSES, its goal was to "furnish a working knowledge of the available labor supply at any given time and of farmer-employer needs in the successive seasons."<sup>339</sup> Describing the Texas labor market as being completely disorganized before the existence of the TSES, the report's authors commented that "there was no disinterested agency in those years to organize a labor market that would provide labor supply when and where needed within the State and to set up an economy of employment

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<sup>337</sup> Texas State Employment Service, *Origins and Problems of Texas Migratory Farm Labor* (Sept. 1940), 88-89.

<sup>338</sup> Map insert, Routes of Migratory Workers in Texas, "Migratory Workers to Start Northward Soon," *Valley Morning Star*, April 20, 1947.

<sup>339</sup> *Origins and Problems of Texas Migratory Farm Labor*, 32;47.

that would abolish wasted movement and loss to both employer and worker.”<sup>340</sup> With its aim in creating an organized and efficient agricultural labor market, the TSES focused in on undirected movement as being the primary factor for the market’s dysfunction.

Wanting to facilitate the distribution of agricultural labor around the state of Texas, TSES labor officials identified “unscrupulous” labor contractors as both their main source of competition and the major perpetrators of migrant workers’ miserable conditions. The report detailed the state’s long-standing efforts to discourage the operation of labor agencies through the passage of various pieces of regulatory legislation. In order to emphasize the need for their agency, officials detailed many examples of workers stranded in desperate destitution, far away from their homes with no work. The report attributed these heartbreakingly scenes to either workers’ naïveté, labor contractors’ greed, or both, downplaying the role growers played in creating labor oversupply as they over exaggerated their labor needs:

It was a crazy pattern in which worried farmers wanted an ample supply of labor on hand at peak seasons in any way available, credulous migrants dreamed of better picking a little farther on, and opportunist labor agents wanted as much money as they could fleece from uneasy farmers and hopeful migrants—white, brown, and black.<sup>341</sup>

Through their efforts scouring the agricultural regions of Texas, talking to growers, labor contractors and workers, the TSES reported a growing role in placing agricultural workers where they were needed without disrupting the domestic labor market. According to the 1940 report, officials were pleased they had obtained the confidence of workers and labor contractors in a short period of time, commending themselves for having done away with the “labor racketeer.” Making a distinction

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<sup>340</sup> Ibid., 26.

<sup>341</sup> Ibid., 21.

between labor agents and crew leaders that would be lost a few years later, labor officials reported dealing mostly with a type of contractor that was “usually a truck owner acting as “capitán” or “jefe” in handling contracts for a group which he represented. For the most part,” the report stated, “these truckmen-contractors were found to be reliable and fair in their transactions.”<sup>342</sup> It seemed that once crew leader-contractors established contact with officials from the TSES, and were willing to be directed by them to agricultural fields, then the labor contractors were considered acceptable and trustworthy and not greedy and opportunistic.

Wanting to rationalize the Texas agricultural labor market, and having studied migratory workers’ seasonal migratory circuits, the Texas State Employment Service felt confident by its 1940 report that it could fill growers’ needs and create a sense of order and predictability in a highly unpredictable industry. The migration of Texas-based workers out of the state in search of higher wages represented the only visible threat to the agency’s plans for the efficient administration of the agricultural labor market. The TSES concluded its report with the following observation:

The interstate problems centering upon migratory labor are so serious as to demand either new legislation or strict enforcement of the legislation already on the statute books. The disrupting of the labor market in Texas at peak seasons reveals itself with special force in 1940 as a very real peril to workers, farmers, and State prosperity.<sup>343</sup>

Perhaps it was this attitude that led to the labor official’s aggressive pursuit of Armando Salinas because he had refused to accede to labor officials’ plans and expectations in staying within the bounds of the state of Texas. Thus, officials ceased to view Salinas as an honest and reliable type of truckman-contractor who cooperated with

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<sup>342</sup> Ibid., 73.

<sup>343</sup> Ibid., 89.

state officials, and began to see him instead as an unsavory labor agent who needed to be regulated.

In trying to control and inhibit migrants' movements in the name of efficiency and rationalization, the Texas State Employment Service failed to make a few key calculations, however. First, in designing their Farm Placement techniques in the middle of the Great Depression when immigration was down—there was, in fact, a great deal more emigration to Mexico during this decade through voluntary and coercive means—they failed to account for a time when immigration might pick up again, therefore creating the same labor surpluses they were trying to avoid. Secondly, the TSES did not seem to account for the possibility that growers might not prefer the orderly scenario the Service proffered. The TSES publicized the work of the Farm Security Administration's construction of migrant labor camps as a stabilizing factor for migrant farm workers. Perhaps such stability might have sent troubling signals to Texas growers.<sup>344</sup> As long as growers could be sure to get their crops harvested when they wanted, they preferred a superabundance of workers living in inadequate housing because unstable conditions allowed them to pay workers lower wages.

### **SOUTH TEXAS INTERACTION WITH THE BRACERO PROGRAM**

Even as the various labor bureaus in Texas sought ways to direct a domestic agricultural migration flow, other states mainly in the U.S. Southwest had been participating in an international labor importation program since 1942, bringing in workers from Mexico on a temporary, seasonal basis to labor in the agricultural and

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<sup>344</sup> In many communities, the Farm Security Administration had to overcome a great deal of resistance from growers and other community members for their plans to build migrant labor camps. Martínez-Matsuda, 67-76.

railroad industries. The labor importation program, commonly known as the bracero program, began as a temporary wartime measure as a response to farmers clamoring for the protection of their labor force in the face of losses due to the draft and surging defense industries.<sup>345</sup> The bracero program assured growers a guaranteed workforce at wages determined by industry-friendly U.S. government agents. The Mexican government viewed the program as a way to institute a modicum of protection for its citizen-workers who crossed the international border, often illegally, to labor in U.S. agriculture. According to the dictates of the bracero agreement, the employer had to pay for braceros' transportation to and from recruitment centers in Mexico and their place of employment.<sup>346</sup> Workers were guaranteed minimum wages as high as the prevailing wages in a given area. In addition, growers had to provide adequate housing, board, and medical services at no extra charge to workers. Lastly, the Mexican government reserved the right to unilaterally terminate the program by region if U.S. growers or government officials failed to satisfy the program's requirements.

After five years of shutting the state of Texas out of the bracero program, Mexican government officials decided to allow Texas growers to obtain legally contracted Mexican agricultural laborers during the spring of 1947. The Mexican government had officially barred Texas from participation because of the state's long history of violence and discrimination against Mexicans, discrimination that continued

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<sup>345</sup> Ernesto Galarza and others have questioned whether a labor shortage in agriculture did indeed exist. As David Montejano and others have explained, because growers wanted a large amount of laborers for the shortest possible period in order to rush crops to market and capitalize on the highest prices, they wanted a superabundance of workers. Montejano, *Anglos and Mexicans*, 213-218.

<sup>346</sup> At the beginning of the bracero program, the U.S. government paid some of the costs of transportation. Growers began paying the entire transportation costs in 1948. Richard B. Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin: University of Texas Press, 1971), 54.

during the mid-twentieth century. Trying to appease the Mexican government and to appear that his administration was tackling the problem of racism in the state, Texas governor Coke Stevenson established the Good Neighbor Commission in 1943 to investigate issues of discrimination in the state and promote good relations through special programs and cultural exchanges between Texas and Mexico.<sup>347</sup> From the outset, Mexican officials had reservations about the efficacy of the Good Neighbor Commission, realizing that while the committee was charged with investigating instances of discrimination, it had no enforcement capacity to address any reported abuses. After five years of denying Texas growers access to braceros, Mexican officials reluctantly realized that their strategy had not appreciably transformed the racial climate in Texas; their efforts to leverage Mexican agricultural labor during a time of relative scarcity due to World War II had been unsuccessful. Ever rising rates of illegal migration from Mexico meant that Texas growers had abundant access to Mexican workers in positions of legal and social vulnerability, which worsened their overall conditions. The Mexican government recognized a need to intervene in Texas agriculture, however, and thus grabbed at the token gesture of the Good Neighbor Commission in order bring the thousands of Mexican agricultural laborers now working illegally in Texas under the

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<sup>347</sup> Stevenson's Good Neighbor Commission was inspired by FDR's Good Neighbor Policy, developed during the early 1930s, especially its cultural component, as well as the Office of the Coordinator of Inter-American Affairs, headed by Nelson Rockefeller. Another feature of Gov. Stevenson's public relation efforts to "deal" with racism against Mexicans was the passage of the Caucasian Race Resolution, condemning any act of discrimination against anyone belonging to the Caucasian race. This statement was designed so that Jim Crow policies directed at African Americans would remain undisturbed. For more information about the domestic implications of the Good Neighbor Policy, see Emilio Zamora, *Claiming Rights and Righting Wrongs: Mexican Workers and Job Politics during World War II* (College Station: Texas A&M University Press, 2009). See also Neil Foley, *Quest for Equality: The Failed Promise of Black-Brown Solidarity* (Cambridge, MA: Harvard University Press, 2010), 22-53. While Zamora's interest in the Good Neighbor Commission is focused on the internationalist politics of World War II and Texas, and Foley is interested in the racial implications of World War II and Cold War politics, my interest in the measures is their impact on diplomatic politics and agricultural labor, and migration.

protective confines of the bracero program. Because Mexican officials wanted to preserve some negotiating space and also did not want to be perceived by the Mexican public as having backed down on the question of racial discrimination in Texas, they insisted that Texas's entrance into the bracero program was temporary and experimental, and should not be considered permanent.<sup>348</sup>

Though the Mexican government had encountered difficulties in administering the bracero program throughout the Southwest and the Pacific Northwest, with many growers violating the wage rates and housing provisions of the bracero contract, Mexican officials soon found Texas to be an even more hardened case than the rest. Even after the Mexican government offered to legalize undocumented workers already in the United States, thereby guaranteeing growers the right to keep the workers they already had, Texas growers protested many of the features of the bracero contract, from the housing stipulations to the bonds required to ensure braceros' return transportation back to Mexico.<sup>349</sup> Most important, the wages in Texas for agricultural labor were far below the wage rates in other states, creating another obstacle for the Mexican government. Mexican officials were bound by the prevailing wages determined by Texas State Employment Service agents, but the Mexican government was reluctant to approve bracero contracts with wages under thirty-seven cents an hour.<sup>350</sup> Soon after they extended legalization to South Texas, Mexican government officials faced serious problems in South Texas, the result of years of collusion between growers and INS officials.

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<sup>348</sup> Otey Scruggs, *Braceros, "Wetbacks," and the Farm Labor Problem: Mexican Agricultural Labor in the United States* (New York: Garland Publishing, 1988), 327.

<sup>349</sup> "Valley Men Protest Alien Labor Plan," *Valley Morning Star*, March 22, 1947.

<sup>350</sup> Employment Service agents were advised about prevailing wages by Farm Labor Advisory Councils, made up of area farmers.

As the day approached to begin the process of legalizing Mexican agricultural workers in the Rio Grande Valley, news stories abounded with details and clarifications about the new program, with observers and officials alike speculating about the prospective changes the program would bring to the Rio Grande Valley. José Reyes Nava, the head official in charge of processing workers in the Reynosa office, was cited in the *Valley Morning Star*, one of the Rio Grande Valley's two prominent newspapers, proclaiming his satisfaction that the legalization program would "crack down on labor contractors" who have grown wealthy through the exploitation" of undocumented workers.<sup>351</sup> According to the story Reyes Nava was aware of several cases of "labor contractors taking advantage of Mexican workers, and he intended to see the practice stopped immediately," judging that labor contractors deserved to be in jail. Reyes Nava placed much of the blame for workers' exploitation on the heads of labor contractors, and none, at least publicly, on the farmers. One advantage to that approach was that the Mexican official established cordial relations with prospective grower-clients.

The local Valley news media reacted similarly about the possible benefits of replacing the system of undocumented labor with braceros. Heralding the end of the era of "fugitive wetbacks," the *Valley Evening Monitor* declared the new agreement as "one of the most far-reaching humanitarian moves in the area for years."<sup>352</sup> The article touched very briefly on the prospective benefits workers could experience being free from the fear of deportation, which hindered their movement and left them vulnerable to cheats and hucksters. According to the article, the most egregious exploiters were labor contractors, crew leaders, and coyotes. Migrants "were sometimes defrauded of their

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<sup>351</sup> "Crackdown on Exploitation of Labor Pledged," *Valley Morning Star*, April 8, 1947.

<sup>352</sup> Lewis Carver, "Day of Fugitive Wetbacks, Alien-Harboring Nears End," *Valley Evening Monitor*, April 20, 1947.

wages, particularly by crew leaders, who will be ineligible to contract for alien workers under the new program.” The article also looked forward to the eradication of the “profitable boat transportation business.” Farmers, on the other hand, were portrayed as fair and just, often providing workers with the necessities of life, such as blankets, clothing, and food. “In many cases,” the “alien workers have been employed by the same farmer for several years, with mutual respect and fair dealing.” Although the author of the piece did admit the possibility that the wages could be considered too low, he quickly resolved the question and surmised that the wages must be acceptable to workers “otherwise they wouldn’t have come 500 miles or more and undertaken risks and hardships to work here.”<sup>353</sup> Again, labor middlemen shouldered most of the blame for the exploitation of Mexican agricultural workers.

Monday, April 21, 1947, dawned with great fanfare. It was the first day of contracting, the process by which undocumented workers presently living and working in the Rio Grande Valley would be transformed into legal braceros. Administrators of the program chose A.L. Cramer to be the first grower to bring one hundred of his employees to the labor office for certification.<sup>354</sup> As the manager of Engelman Gardens, a large citrus and cotton growing operation in Hidalgo County, and the chairman of a grower’s committee to study the labor issue in South Texas, it was deemed appropriate that he be the first to model the new program to other Valley growers.

The certification process necessitated visits to several offices on both sides of the border where workers had to submit themselves to interviews and examinations. Cramer accompanied the workers to the INS office at the north end of the international bridge in Hidalgo, Texas. After INS officials interviewed the workers, the workers walked across

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<sup>353</sup> Ibid.

<sup>354</sup> “First Mexican Workers Sign Valley Contracts,” *Valley Evening Monitor*, April 21, 1947.

the international bridge to the offices of the Mexican Intersecretarial Commission, located on the second floor of the Mexican Immigration building, situated near the southern end of the international bridge.<sup>355</sup> At that office, workers received a copy of their contract and identification cards. Newspapermen and photographers were on hand on both sides of the bridge to record every step of the process. Workers received their contract and identification card, and walked back across the river to the U.S. At the offices of the U.S. Public Health Service physicians administered physical examinations to workers. If they passed the exam, they returned to the INS offices, where they had started the process, to receive permission to enter the United States.<sup>356</sup> After that series of trips back and forth across the international border, being questioned, processed, and prodded, workers were granted permission to enter the United States, transformed from “wetbacks” to braceros. Such a spectacle of state approval (through questions and physical examinations) was meant to suggest a transformation of the individual workers from illegal to legal. The workers, however, were exactly the same; it was the state’s treatment of the workers that was now supposed to be transformed.

The good feelings over such demonstrated international cooperation between Mexican and U.S. officials and U.S. growers proved to be short-lived. Growers objected to Reyes Nava’s insistence that they provide a deposit ranging from ten dollars per worker up front, to be placed in the Bank of Mexico in Reynosa, and to be deducted at a rate of 5% per week from workers’ paychecks.<sup>357</sup> According to the agreement, farmers were instructed to deduct five percent from workers’ weekly wages until the amount totaled thirty dollars, which the workers would receive upon their return across the

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<sup>355</sup> “‘Wetbacks’ to be Processed First,” *Valley Evening Monitor*, April 8, 1947; and “First Mexican Workers Sign Valley Contracts.”

<sup>356</sup> “First Mexican Workers Sign Valley Contracts.”

<sup>357</sup> “U.S. May Referee Laborer Deposits,” *Valley Evening Monitor*, April 24, 1947.

border. The Mexican government designed the measure as an involuntary savings plan, meant to ensure that workers would have enough money at the end of the season to return to their homes in Mexico.<sup>358</sup> Growers thought that a statement from their financial institutions testifying to their financial solvency would obviate the need for a deposit.

A second problem arose over questions regarding the prevailing wages. Though the Rio Grande Valley border counties all belonged to one zone according to the Mexican Intersecretarial Commission office, different county farm advisory councils in the Valley had placed the prevailing wages at different rates, ranging from twenty to thirty-five cents per hour.<sup>359</sup> Reyes Nava naturally wanted to certify contracts for the higher wage, but disagreements arose about which wage would prevail for the entire region.

Soon after these difficulties slowed the worker legalization process, Mexican officials and Valley growers agreed to hold a labor conference to provide further information, clarification, and possibly hash out the points of divergence between the two parties. A.L. Cramer presided over the meeting, held on April 29-30, 1947 and acted as a representative for the growers. Gustavo Ortiz Hernan, Consul General in San Antonio, headed the Mexican delegation. José Reyes Nava, head of the Intersecretarial Commission office in Reynosa, and Lauro Yzaguirre, Mexican Consul in McAllen, also formed the Mexican delegation. The U.S. officials present were William A. Whalen,

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<sup>358</sup> In a move of unfortunate irony, after castigating predatory labor contractors for demanding a cut from workers' pay for procuring work and providing transportation, the Mexican government virtually did the same thing with these deposits deducted from workers' wages. Many braceros never received the money deposited in their names. In the past several years elderly braceros and their families have started a social movement in Mexico to demand their lost wages during the bracero era.

<sup>359</sup> "U.S. May Referee Laborer Deposits." The Willacy and Hidalgo Counties Farm Labor Advisory Councils had set the prevailing wage between 20 and 25 cents per hour, while the Cameron County Farm Labor Advisory Council had set the prevailing wage between 20 and 35 cents. As mentioned previously, these councils were composed of area farmers and advised the Employment Service officials about wages.

District Director of the INS in San Antonio, and Allan Skinner, Officer-in-Charge of the INS office in Hidalgo, Texas. The rest of the attendees included growers, and representatives from packing and shipping cooperatives and other industry organizations.<sup>360</sup>

Cramer began the meeting by summarizing the growers' complaints, which centered on the required deposits and the differences over the prevailing wages. Mexican officials quickly conceded on the question of the deposits once it became known that the Mexican Minister of Labor had agreed at a previous meeting with Valley growers that a receipt from a growers' financial institution was an acceptable substitute.<sup>361</sup> The prevailing wage, however, was a more difficult matter. Growers pointed out that the Minister of Labor had agreed to follow the prevailing wages in the area, as was customary in the bracero program.

Though Mexican officials agreed that they had promised to abide by the prevailing wages determined by U.S. county agents, Consul Ortiz Hernan explained that those drawing up the plan in Mexico City had no idea that the prevailing wages in the Rio Grande Valley would be so low.<sup>362</sup> The prevailing wages in the Rio Grande Valley were far below the Mexican government's long-established rule, written into previous iterations of the bracero agreement, of requiring a minimum wage of at least 37 cents per hour. Consul Ortiz Hernan pointed South Texas's unique position regarding wages. He

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<sup>360</sup> List of Attendees for Labor Conference, 29-30 April 1947, Engelman Gardens Collection, Museum of South Texas History, Edinburg, Texas.

<sup>361</sup> Report of Conferences Held the Afternoons of April 29 and 30, 1947 In The Office of the Valley Chamber of Commerce, Weslaco, Texas Between Representatives of the Mexican Government and the United States Immigration Service, As Well as Representatives of the Agriculture Industry in the Lower Rio Grande Valley, prepared by Allan Skinner, INS Officer-in-Charge, Hidalgo, TX, Engelman Gardens Collection, Museum of South Texas History, Edinburg, TX. [Hereafter called Allan Skinner's Report of Labor Conference].

<sup>362</sup> Allan Skinner's Report of Labor Conference, 2.

noted that the program was proceeding smoothly in the El Paso area because Mexican officials were certifying contracts there for forty cents an hour, not to mention the fifty and sixty cents workers garnered in New Mexico and California.<sup>363</sup> According to Consul Ortiz Hernan, “when [Minister of Labor] Mr. Castorena publicly stated that county agents’ certifications would be satisfactory, he never once thought it would be any lower than 37 cents.”<sup>364</sup>

In response, Cramer assured the Mexican delegation that the twenty-five cent wage rate was not really as bad as it seemed. In a revealing statement that probably did not inspire much confidence in Mexican officials, Cramer asserted, “if you will investigate this twenty-five cents prevailing wage, you will probably find that this is actually at least 25% increase over what workers were getting before.”<sup>365</sup> According to Cramer, a majority of the workers made twenty cents an hour, or less. Thus, a twenty-five cent per hour wage rate represented a significant increase.

Cramer attempted to further deflect attention from the low wage rates by placing blame on Mexican American crew leaders. The crew-leaders were the real problem, Cramer argued, which the new agreement would address. “If you leave out the subcontractor, who has been exploiting the worker, these men could continue to make this [increased] amount of money even though the minimum prevailing wage written into the contract showed only 25 cents. The crew leader is the fellow who has been making the money, and he is the fellow they want to eliminate.”<sup>366</sup> William Whalen, the INS

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<sup>363</sup> Ibid., 2. Also Labor Conference, April 29, 1947, 3. The second citation refers to another report of the same labor conference. Both reports can be found in the Engelman Gardens Collection, Museum of South Texas History, Edinburg, TX. [Second report hereafter referred to as Labor Conference].

<sup>364</sup> Allan Skinner’s Report of Labor Conference, 3.

<sup>365</sup> Labor Conference, 6.

<sup>366</sup> Allan Skinner’s Report of Labor Conference, 4.

District Director in San Antonio, added his support for Cramer's point by assuring Mexican officials that his Service would aggressively police crew leaders, and not allow them to continue operating. "Our Service will check the crews of sub-contractors and take the "wets" away from them."<sup>367</sup>

Consul Ortiz Hernan admitted to feeling pressure from all sides. The Mexican government wanted to institute a program of legalized labor in South Texas, but was reluctant to project an image to the Mexican public that the government had caved in so drastically on the minimum wage rate. The fact that this problem was occurring in Texas made it so much worse. "The Mexican government cannot grant special privileges to any one section of the country," the consul declared, "particularly to a section in Texas because of Mexico's attitude toward Texas due to discrimination and racial prejudice against the Mexican people."<sup>368</sup>

Because Mexican officials felt they had to be realistic about workers' conditions in South Texas, however, they accepted the small improvements that growers and the INS promised. In addition to the housing and board, and medical services now provided by growers, the major "improvement" seems to have been the projected demise of the crew leader. In the end, Consul Ortiz Hernan, agreed to the twenty-five cent prevailing wage, though he maintained the government's view that wages should be higher. He authorized Reyes Nava to sign contracts for twenty-five cents and hour, but not "in the name of the Government of Mexico but for immigration purposes only."<sup>369</sup>

According to Allan Skinner's report on the proceedings, Consul Ortiz Hernan explained:

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<sup>367</sup> Ibid., 5.

<sup>368</sup> Ibid.

<sup>369</sup> Ibid.

They are going to sign the contracts in this manner in order to save face. In other words this will be a little trick they will be pulling on their own people, but they do not want their Mexican nationals to know about it. He agrees to fix a certified rate of wages on all kinds of work and in this way try to make the program operate.

To this all present clapped heartily.<sup>370</sup>

## CONCLUSION

From the nineteenth century onwards, labor middlemen have been crucial yet reviled components of the development of U.S. capitalism. Often connecting immigrant low-waged, manual laborers to labor-hungry industries throughout the country, these labor middlemen formed a key piece of the immigration story in U.S. history. During the latter part of the nineteenth century, immigration agents, middle-class reformers, and labor union activists waged a successful public relations battle against such agents, branding them as the enemies of American free labor. These forces succeeded in passing legislation prohibiting the contracting of foreign labor, but ultimately did not succeed in stopping the practice. Employers relied on labor contractors and kept the practice alive and well, especially in the railroad and agricultural industries.

These types of anti-labor contractor campaigns created a broad, undifferentiated category, labeling all manner of labor middlemen as exploitative, fraudulent predators. The regulatory language and legislation enveloped everyone from labor agencies moving thousands of workers a year, to Mexican American crew leaders who created crews of

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<sup>370</sup> Ibid., 6.

twenty to fifty workers from among their own relatives, friends, and neighbors. During the mid-twentieth century, the system of agricultural labor was structured in such a way that required workers to band together in crews in search of work. For Mexican male agricultural workers, becoming a crew leader represented one of the very few options they had to attain economic stability for their families, as well as social prestige for themselves.

During the mid-twentieth century Texas labor officials exploited existing laws regulating labor agents to try to control and contain the mobility of Mexican agricultural migrants to better direct the progress of Texas agriculture, essentially attempting to take over the job that labor agents performed.

Labor middlemen also featured in the compromise reached by Mexican officials and South Texas growers as they struggled to transform an agricultural system based on illegal labor into one based on legally contracted workers. Very soon after South Texas growers began bringing their undocumented workforce to the border town of Reynosa, Tamaulipas to be certified, Mexican officials and South Texas growers became tangled in disagreement over the very low prevailing wage rates in the Rio Grande Valley. Extension Service officials had placed the minimum prevailing wages between twenty and twenty-five cents an hour. In order to iron out their difficulties over the wage rates as well as other features of the contract Valley grower found objectionable, the two sides held talks in a two-day public meeting held in the Mid-Valley Chamber of Commerce offices on April 29-30, 1947. The seeming impasse between Mexican officials who wanted a minimum wage of at least thirty-seven cents per hour, and Valley growers, who would never agree to such a rate hike, broke when the Mexican government relented on the wage issue. Though the wages of twenty-five cents an hour were the lowest wage rates for agricultural work in the country, and far below the Mexican government's stated

minimum wage stipulations, both sides were able to come to an agreement forged upon the figure of the hated labor contractor. Agreeing that eradicating the labor contractor from South Texas agriculture was an acceptable level of improvement for workers, growers and Mexican officials shook hands over their new understanding at the close of the two-day meeting. Once again, focusing upon the border-crossing labor middleman screened the more fundamental problems in the Texas agricultural labor system.

## **Chapter Five: *El Paso/The Passage: The 1948 El Paso Incident and the Politics of Mobility***

Waiting for the sun to fall on Saturday, October 16, 1948, a group of over a thousand men massed at the river's edge in Ciudad Juárez, Chihuahua. Mexican troops from the First Battalion, lately dispatched to the river to guard the areas around the two international railroad bridges in response to reports that Mexicans were crossing the border illegally, watched the crowds intently. According to newspaper reports, the scene of thousands crowding at the river at dusk had been repeated every evening since Wednesday, October 13.<sup>371</sup> Directly on the other side of the river in El Paso, another massing was taking place. Large trucks had pulled in to the area directly across from where the men were gathered, and parked. American growers, or growers' employees, climbed out of the trucks, and also waited.<sup>372</sup> As dusk fell, Mexican men by the hundreds, responding to an apparent signal given by the growers, began to wade across the shallow river. Mexican troops shouted at the men to stop, to stay on the Mexican side of the border, but they were met only with jokes and jeering insults from the men as they crossed. A few over-zealous soldiers also crossed the river in pursuit of the men but were quickly called back to Mexico by their commanders, who were aware than any such action by armed soldiers might be viewed by American authorities as a violation of the sovereignty of the United States.<sup>373</sup>

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<sup>371</sup> "Immigration Service Abandons Efforts to Halt Mexican Workers" *The Sunday Star*, Washington, D.C., October 17, 1948, File 1, Box 1453, Archivo de la Secretaría de Relaciones Exteriores, Mexico City, D.F. (Hereafter known as ASRE)

<sup>372</sup> Raul Michel, Consul General, El Paso, Texas, to Secretaría de Relaciones Exteriores (SRE), no. 5402, October, 15, 1948, File 1, Box 1453, ASRE.

<sup>373</sup> *Ibid.*

What followed next must have been a chaotic scene, as growers rapidly conferred with workers and counted out the number that they wanted before loading them on to the trucks that were normally used to transport cattle. Once growers had their desired numbers, they trudged over to the Immigration offices to report the number of men they were taking, and promised to send along a list of their names at a later date. Some growers found upon returning to their trucks that the workers had moved onto the trucks of other growers who had promised them higher wages. Arguments soon broke out amongst the growers, greatly adding to the noise and confusion. In an official report to officials at the Secretaría de Relaciones Exteriores (SRE) in Mexico City, Consul Raul Michel referred derisively to this scene as an auction. Some cattle trucks loaded with workers rumbled away to their destinations in the cotton fields in and around West Texas, New Mexico, and Arizona, while other trucks headed to the train station to send their human cargo on to more remote locations in the Colorado sugar beet fields.<sup>374</sup>

Michel posted other high-ranking officials from his El Paso office to witness the events. Consul Adscrito Urrea approached one truck full of workers in order to question them and receive a first-hand account of the events unfolding before him. The workers verified that they had indeed crossed the border illegally by wading across the river, and the driver of the vehicle confirmed that the workers were being taken to work in agricultural fields, in this case to Roswell, New Mexico. At Urrea's request, Vice Consul Chavez brought two American immigration inspectors back to the truck so they too could be present to hear the statements, which to the Mexican officials' minds clearly showed that U.S. immigration laws had been violated. After listening to the statements repeated at

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<sup>374</sup> "Informe Concentrado De Los Sucesos Registrados En Esta Frontera, Relacionado Con Nuestros Braceros," a report prepared by Raul Michel, October 19, 1948, File 1, Box 1453, ASRE.

the Consul's request, one of the inspectors headed back to the office to phone his superior and soon returned with the information that his boss, M.R. Toole had given instructions that they not intervene in these matters. Urrea thanked him politely, having secured formal confirmation of what must have been evident to anyone observing the scene: that the INS had foreknowledge of the event and had given their approval to the transactions now taking place.<sup>375</sup> Mexican officials had to consider a response to what looked like the United States government's deliberate undermining of a bi-national labor importation program that both countries had agreed to and tortuously negotiated just eight months prior.

The El Paso Incident represented a breakdown of the smooth administration of the bracero program. Over a period of four days in mid-October, 1948, between four and six thousand Mexican workers illegally crossed the Rio Grande in full view of assembled Mexican governmental officials, Mexican military troops, and American immigration authorities. Frustrated Mexican officials bitterly accused the INS officers of abandoning their duty to uphold U.S. immigration laws and of deliberately undermining the bracero agreement by their calculated inaction in allowing the workers to cross uncontested. For their part, officials from the United States Employment Service (USES), a division of the Department of Labor, accused the Mexican government of instigating the chaos, by attempting to usurp the USES' role in determining the prevailing wages of prospective braceros, and thus mucking up the process. INS officials pointed to the inadequacy of their numbers to stop the assault of thousands of Mexicans determined to cross the border at any cost. The Incident became a public relations embarrassment, as the United States was forced to offer an official apology to the Mexican government for the poor judgment

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<sup>375</sup> Ibid.

demonstrated by INS officials in El Paso. The Mexican government, furthermore, dissolved the bi-national agreement in response to the events in the El Paso-Juarez border region, and the two countries would not begin negotiations for a new agreement until early the next year, with ratification coming only at mid-summer 1949.

The El Paso Incident resulted from both countries' struggles to manage Mexicans' migrations and through it maintain their power over the bracero program on the ground. The bracero program was fundamentally a contestation between two sovereign nations to exert control over a highly mobile labor force. The El Paso Incident represented much more than just a dramatic, yet brief interruption in what would become a twenty-two year program of labor importation. It revealed just how both governments scrambled to respond to a large-scale migration that posed various challenges to each nation. The Mexican government sought to manage the emigration of its citizens, sometimes in the face of resistance from the workers themselves. The U.S. government's response reflected the profound ambivalence with which U.S. officials viewed the flow of undocumented labor across the border, as local and national interests became hopelessly tangled and often worked in contradiction to each other. Finally, the El Paso Incident is important to consider because it exemplified the ways in which the policies and actions of both the Mexican and U.S. governments concentrated the unequal politics of Mexican migration at the physical location of the border.

Most immigration scholars agree that the advent of the bracero program also spurred a parallel illegal migration of workers to the U.S. Few have considered the interconnections between the two beyond noting the negative effects of illegal migration on the Mexican government's position regarding the bracero program. A close examination of the El Paso Incident opens up a space to consider how both governments responded to, and tried to manage the intertwined strands of these migrations, legal and

illegal. An important aspect of understanding the politics of workers' mobility is understanding how the migrants themselves effected this migration, their movements converging and diverging from the interests of both governments at different times. Mexican migration has often described in terms pointing to its mass and the seemingly inexorable quality of its movement. Racializing discourses often emphasized the mass of Mexican migration, employing animal imagery, specifically large groups of like animals, such as swarms of bees, locusts, etc. These discourses de-emphasized workers' agency, rendering workers' migrations as instinctive, rather than decisions made by individuals and families. At times, however, workers themselves used their numbers to challenge the Mexican government's attempts to regulate their mobility.

This chapter examines the ways that both governments sought to manage workers' mobility, and the implications of those responses to state formation at the border. Despite their strategies and maneuvers, however, workers' mobility could never be wholly contained within each country's authority.

## **WORKERS' MIGRATIONS AND THE STATE**

For the Mexican government, it was crucial that Mexican workers enter the U.S. as legally contracted braceros rather than undocumented migrants. The Mexican government was fighting to preserve the legal social status of its citizens, which illegal migration certainly nullified. In supporting the bracero program, the Mexican government claimed that they pursued this issue so persistently in order to improve migrants' wellbeing once they entered the United States. This was a motivating factor, but did not account for all of the government's investment in the matter. It was also a matter of sovereignty, the realization that once the individual Mexican became a documentless

illegal migrant in the U. S., his or her legal status was effectively compromised. If that process happened on a large scale, many thousands of Mexican citizens would fall outside of the state's official purview.<sup>376</sup> As John Torpey has discussed, one of the prime functions of the modern nation state has been to “monopolize the legitimate means of movement” of its people, through identity-producing documents such as passports and other identification cards, thus marking who belonged and who did not belong to the nation state.<sup>377</sup> The illegal migration of large numbers of Mexican citizens into the U.S. was a movement that, in a practical sense, threatened the Mexican’s state ability to monopolize the legitimate means of movement of its citizens. As soon as workers crossed the border from Mexico without the imprimatur of either state through the mechanism of the bracero program, they lost access to the formal advocacy channels built into the architecture of the bracero labor contract. Mexicans’ illegal status in the United States demonstrated the limits of the Mexican nation-state, and a large migration of undocumented Mexicans made those limits readily apparent to both the Mexican public and to the United States.

Scholars have considered the Mexican government’s participation in the bracero program as a departure from its policy of discouraging Mexican emigration in the first half of the twentieth century.<sup>378</sup> In addition to periodic attempts to stop the emigration

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<sup>376</sup> John Torpey has argued for a feminine reading of the state, arguing that the state was more interested in “embracing” or “surrounding” its members rather than “penetrating” society as many theorists of the state have offered. In *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge: Cambridge University Press, 2000). 11.

<sup>377</sup> Torpey, 3.

<sup>378</sup> David FitzGerald, “Mexican Migration and the Law,” in *Beyond La Frontera: The History of Mexico-U.S. Migration*, ed. Mark Overmyer-Velázquez (New York: Oxford University Press, 2011), 180-182. A divergent view argues that official Mexican statements of dissuasion were only perfunctory, covering for a stronger Mexican agenda to maintain the status quo of migration as an economic and political safety valve. Alexandra Délano, *Mexico and Its Diaspora in the United States: Policies of Emigration Since 1848* (Cambridge: Cambridge University Press, 2011), 59-82.

of Mexicans by refusing to issue passports to migrants from some central states and even trying to stop some migrants from boarding trains bound for the border, the Mexican government also initially supported the U.S. government's repatriation campaigns during the Great Depression.<sup>379</sup> Post-revolutionary nationalism in Mexico viewed the permanent emigration of Mexican citizens to the United States as a failure of the promises of the Revolution, or more optimistically, viewed the eventual return of Mexican migrants as the potential building blocks of a modern Mexico.<sup>380</sup> Mexican consulates in U.S. Southwest cities actively engaged in local Mexican communities, sometimes providing support for labor union activity and Mexican American civil rights agendas, straying far into the territory of Mexicans' permanent, daily lives in the U.S.<sup>381</sup> This history demonstrates the Mexican government's reluctance to let Mexicans outside its state "embrace."

Rather than view the Mexican government's participation in the bracero program as a radical departure from its previous stance, when seen in conjunction with the simultaneous illegal migration of Mexican migrants, the Mexican government's active support of the bracero program can be seen as a way to keep Mexican migrants within the scope of the country's authority. That is, when faced with the difficulty of stopping the emigration of its citizens to U.S. during a time of increased labor demand, the Mexican

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<sup>379</sup> FitzGerald, 180-181.

<sup>380</sup> For more on the prospective contributions of returning migrants to the new Mexico by Manuel Gamio, one of Mexico's foremost intellectuals in the post-Revolutionary era, see José Limón's chapter on Manuel Gamio and Katherine Anne Porter, in *American Encounters: Greater Mexico, the United States, and the Erotics of Culture* (Boston: Beacon Press, 1998), 35-71.

<sup>381</sup> For the role of Mexican consulates working with Mexican American civil rights organizations to combat racial discrimination in the U.S., see Emilio Zamora, *Claiming Rights and Righting Wrongs: Mexican Workers and Job Politics During World War II* (College Station: Texas A&M Press, 2009).

government viewed the bracero program as a way to secure workers' legitimacy, but also their return to Mexico.

For the United States, the issue regarding Mexican migration was not so clearly determined. Historically speaking, the U. S. was as invested, if not more so, in monopolizing the legitimate means of movement of its citizens, and as a nation that regularly received immigrants, the U.S. was intensely interested in identifying and managing the process by which immigrants were accepted or denied entry into its territory.<sup>382</sup> The onset of the Cold War only intensified such concerns with the integrity of national borders, the authenticity of national identities and the fear of infiltration from afar and within the national body politic.<sup>383</sup> However, a large illegal migration clearly benefited the interests of the very powerful agricultural industry, which was a major consideration. Furthermore, the creation of a large class of illegal subjects allowed the United States to avoid the problem of integrating an undesired, non-white population into its body of citizens, in the short term, yet still allowed the powerful agricultural industry to avail itself of the labor of the same illegal aliens. However, as Mae Ngai has shown, to create a permanent underclass of this nature posed a conundrum to a (theoretically) open

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<sup>382</sup> The passage of the Chinese Exclusion Act and the subsequent policies and procedures to document Chinese migration and enforce Chinese exclusion provides ample evidence of this point. See Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003) and Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995).

<sup>383</sup> Two examples that specifically refer to U.S. concerns with tracking the citizens and residents of the United States and controlling their movement linked with the politics of World War II and the Cold War were the passages of the Alien Registration Act in 1940, which stipulated that people seeking admittance into the United States register and submit to fingerprinting within thirty days of arrival, and the Internal Security Act in 1950, which required American citizens and residents affiliated with Communist and other "subversive" organizations to register, and submit to controls over their international travel. U.S. Department of Justice, *Laws Applicable to Immigration and Nationality* (Washington, D.C.: U.S. Government Printing Office, 1953), 495-507; 660-730.

society based on civil/citizenship rights. Though Mexicans were deemed a social problem, the Fourteenth Amendment guaranteed any US-born children of undocumented migrants legal citizenship to the United States. Thus, during the summer of 1948, the U.S. Southwest was a complex landscape for agricultural labor. States such as California, Arizona, and Colorado, which used legally contracted braceros were situated near a large state like Texas that relied significantly on undocumented Mexican workers to harvest crops.

With their movements, workers practiced their own politics of mobility that was interconnected, yet not totally defined by the Mexican state. As this chapter will show, the group of workers that gathered at the grounds of the prospective bracero recruitment office were willing to participate in a state-run program, and avail themselves of its benefits. Over the course of subsequent days, however, workers collectively made demands upon the Mexican state asserting their identities as citizens, and openly challenged, even sometimes disdaining, Mexican authority. Although the Mexican government and the Mexican press accused rebellious workers of placing themselves in positions of almost certain exploitation, in the highly public and collective manner in which they discarded the protection of the state, workers played up the politics of border crossing. They politicized and made public an act usually hidden and undertaken individually, and in the process highlighted the weaknesses of the bracero program.<sup>384</sup>

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<sup>384</sup> Deborah Cohen has talked about how migrants appropriated the language of the Mexican state touting migration as the path towards Mexican modernization to justify their own movement, creating a political context for their migration. Deborah Cohen, “Masculine Sweat, Stoop Labor Modernity: Gender, Race, and Nation in Mid-Twentieth Century Mexico and the US” (Ph.D. diss., University of Chicago, 2001).

## **STRUGGLING TO PLACE RECRUITMENT CENTERS: LABOR AND THE BORDER**

One main point of contention that consistently surfaced between the Mexican and American governments in the bracero agreement negotiations centered on which areas of Mexico to establish recruitment centers to process and provide workers for American agricultural industries. Mexico preferred to keep recruitment centers as far away from the northern border as possible, while the United States constantly pushed the Mexican government to open centers in border states, and even in border towns. Allowing bracero contracting centers to be located in the border region brought together in the same geographical space the two strands of migration that the Mexican government wished to keep separate and distinct: the legitimate migration protected by bracero contracts, and the unauthorized migration that became illegal at the border, once the migrant crossed into the United States without proper documentation. Mexico wished to preserve a buffer zone of sorts between the legal and illegal transactions of capital and labor.

U.S. pressure to move recruitment centers closer to the border intensified once the new bracero agreement was signed between the two nations on February 21, 1948. In a shift from earlier policy, the new agreement stipulated that employers pay for workers' transportation costs from the point of recruitment to their final destination, and their return upon the completion of their contracts.<sup>385</sup> During the administration of the program through World War II and into the immediate post-war period, the United States government had covered the costs of transporting workers to American farms from recruitment centers in Mexico. That program had expired in 1947, however.<sup>386</sup> Now that the transportation of workers was not subsidized by the U.S. government, and growers had to cover the costs, growers became very aware of the additional costs of a train ride

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<sup>385</sup> Craig, *The Bracero Program*, 54.

<sup>386</sup> Spencer Rich, *U.S. Agricultural Policy in the Postwar Years, 1945-1963* (Washington, DC: Congressional Quarterly Service, 1963), 83.

from the Mexican interior to various points in the United States. Not surprisingly, employers resented having to pay these transportation costs at all, and wished to pay as little as possible for their workers' round trip. Locating recruitment centers closer to the border would cut down substantially on those costs, and thus growers placed pressure on the U.S. government to have them moved further north.



Fig. 5.1. Map of Mexico.

The gradual movement of the centers closer to the border reflected the power of growers to influence the daily administration of the bracero program, both through direct

lobbying, and more importantly, indirectly through their power as consumers of labor. After a few months of operation in Tampico and Aguascalientes, the Mexican government decided to close the centers during the middle of the summer of 1948 due to lack of activity, which the U.S. Embassy in Mexico attributed in part to the “high cost of transportation over the long distances involved.”<sup>387</sup> The two processing centers had received between the both of them only 10,000 orders for braceros, certainly many fewer than expected. In an attempt to pique the interests of recalcitrant growers the Intersecretarial Commission in Charge of Emigrant Workers’ Affairs (Mexican Intersecretarial Commission) proposed opening bracero recruitment centers in Culiacan, Sinaloa; Torreon, Coahuila; and Monterrey, Nuevo León, all located in Mexican states bordering the United States, but not in border cities.<sup>388</sup> The USES in turn proposed sites in Nuevo Laredo, Tamaulipas; Ciudad Juarez, Chihuahua; and Mexicali, Baja California, all towns located directly along the U.S-Mexico border.<sup>389</sup> Mexico turned down this proposal, expressing the desire to avoid the “accumulation of masses of Mexican workers at the international line.”<sup>390</sup> A series of conferences followed in Mexico City, in August 1948, to deal with this impasse. Both governments finally agreed to open recruitment centers at Monterrey, Nuevo León; Chihuahua, Chihuahua; Culiacan, Sinaloa; and Mexicali, Baja California, all but Mexicali being relatively close, but not actually on, the

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<sup>387</sup> From U.S. Embassy to State Department, August 30, 1948, Farm Labor Committee Reports 1946-54, Records of the U.S. Employment Service, Record Group 183, National Archives and Records Administration II (NARA II), College Park, Maryland.

<sup>388</sup> Ibid. The U.S. Embassy characterizes it in such a way as to depict growers wholly as consumers, in this case consumers of labor. The author of the memo put it in this way: “In an effort to revive employer interest, the Mexican Intersecretarial Committee in Charge of Emigrant Workers’ Affairs, which by this time had come to a realization of the need for further encouragement...”

<sup>389</sup> Ibid. Mexicali, Baja California, was located on the border just south of the lucrative Imperial Valley agricultural region in Southern California, but also served as the port of entry for the entire state of California.

<sup>390</sup> Ibid.

border. Despite their strong reservations, the Mexican government had to move the centers closer to the border in response to growers' economic pressure.

The Mexican government consistently opposed moving bracero recruitment centers closer to the border, being well aware of problems that could, and often did, arise from overwhelming responses to the government's call for workers. Officials from both governments had frequently witnessed the overburdened and overcrowded conditions at many bracero recruitment centers in central Mexico. In 1943, INS Immigrant Inspector Dorr Roubos, temporarily assigned to Mexico City to help facilitate the bracero recruitment process, wrote to Assistant Inspector in Charge at El Paso, Gordon Cornell, to explain delays in processing, attributed to the Mexican government's desire to get a clear head count on orders from the United States:

To me that was a fair demand as the infiltration to Mexico City from the surrounding towns created quite a problem for local officials. At one time there were over 5000 trying to get into our office for processing. We could not handle them in such quantities so they would stay in the street all night and wait for the office to open the next morning. Most of them had no other place to go and nothing to eat. One morning it was impossible for us to get through the mob and into the building so we had to return to our hotel.<sup>391</sup>

Such scenes were endemic to the bracero recruitment process in Mexico, and the Mexican government was often shouldered with several associated costs relating to this process. First, the government often had to pay to transport workers who had not received contracts back to their homes. Often, workers' meager resources had dwindled while they waited for their turn in the processing offices.<sup>392</sup> Perhaps more importantly for the

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<sup>391</sup> G.C. Wilmoth, District Director, El Paso, to Central Office, Feb. 9, 1943. File 55854/100-H, Box 455, Record Group 85, Records of the Immigration and Naturalization Service, National Archives and Records Administration (NARA), Washington, D.C.

<sup>392</sup> Ibid.

government, however, officials had to face the political costs of the Mexican public's awareness of the events: the visual evidence of thousands of Mexican men leaving their homes, massing in the streets often without enough food or water, waiting to be processed to work in a foreign country because they presumably could not make a living in Mexico.<sup>393</sup>

The Mexican government was clearly cognizant of the dangers associated with having this scenario play out in a border setting. U.S. demand for workers obviously influenced labor patterns in central Mexico by spurring intense concentrations of workers responding to calls for braceros, as described above. By keeping these transactions in the interior, however, the Mexican government retained some control over the process—it remained a domestic issue. Once the sites were moved to the border the sovereignty of the Mexican nation-state came into direct contact with the sovereignty of the U.S. nation-state. And while American markets caused the chaotic labor movement even in central Mexico, that power would become even more apparent the closer the chaos moved to the border. The Mexican state's claim over the legitimate means of movement of its own citizenry would be threatened, thus diminishing its sovereign power.

The United States government also responded to the dynamics of a twin migration from Mexico, and played the large numbers of workers migrating illegally, especially to Texas, to advantage in negotiations with the Mexican government. At the time in the middle of 1948, the Mexican government had suspended the bracero program in Texas after evidence of racial discrimination against Mexicans had surfaced in a number of

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<sup>393</sup> As Deborah Cohen has argued, the Mexican "state-as-father" was "emasculated" by its failure to provide its citizens the necessary sustenance, through economic opportunity, within its own borders. Such scenes, therefore, represented the state's failure as an effective patriarch. In "Caught in the Middle: The Mexican State's Relationship with the United States and Its Own Citizen-Workers, 1942-1954," *Journal of American Ethnic History* 20:3 (Spring 2001), 14-15.

Texas counties. Texas had, in fact, only just begun to import braceros the year before, in 1947, after being banned from the program for the first five years for a problem of race discrimination in the state.<sup>394</sup> The Mexican government sought to leverage Texas growers' desire for bracero laborers against the issue of discrimination, clearly attempting to use a politics based on workers' labor migrations. Tellingly, the U.S. government used the same state, and the heavy annual illegal migration of Mexicans to Texas, to pressure the Mexican government into making concessions regarding the bracero program, their own play on the politics of the workers' mobility. Federal officials used Texas as an example of what the rest of the Southwest could become if the Mexican government demanded too much from American growers through the bracero program. Visions of an unregulated agricultural labor market based on undocumented Mexican workers dogged the Mexican government's decision making during the late 1940s.

Both governments tried to position themselves within the almost constant negotiations of the bracero program, exemplified in the impasse regarding the placement of recruitment centers. As the end of the summer approached in 1948, and ripening fields loomed in the American Southwest, officials from the Mexican Intersecretarial Commission and the USES met on August 5, 1948 in Mexico City to hash out points of difficulty.<sup>395</sup> As the crops in the ground grew, so did growers' pressure on the United States to secure their labor source in time for the harvesting season. On September 3rd, A. W. Motley, Assistant Director of the USES, wrote to Robert E. Wilson, Economic Policy Officer of the Division of Mexican Affairs in the State Department to share his

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<sup>394</sup> Emilio Zamora has argued that the Mexican government banned Texas from the program as a test case, to force the U.S. federal and state governments to publicly acknowledge the existence of race discrimination and take action against the problem. Zamora, *Claiming Rights and Righting Wrongs in Texas*, 15-16.

<sup>395</sup> Circular no. 7607 from Manuel Tello to Mexican Consuls in the United States, August 14, 1948; Box 1452, File 8, ASRE, Mexico City, D.F.

frustrations with the ongoing negotiations. Motley was primarily concerned about the Mexican government's refusal to go through with a plan to open a recruitment center in the state of Chihuahua, and the effects that might have the agricultural industries of New Mexico, Arizona, and Colorado. Motley worried that without a conveniently close location from which to recruit braceros, farmers would begin recruiting and hiring undocumented workers, resulting in the illegal migration of thousands of Mexican workers into New Mexico, Arizona, and Colorado.<sup>396</sup> This course of action would then undermine, in his view, the work of the INS, who had been "exerting every effort on growers to abide by the procedures outlined in the Mexican Agreement."<sup>397</sup> According to Motley, keeping the Chihuahua center shuttered was tantamount to barring those states from participation in the bracero program, even though growers were not specifically limited to the Chihuahua center to acquire braceros, but could visit other recruitment centers.

In Motley's view, anything that inconvenienced growers would cause them to abandon the program. He pointed to Texas as the classic example of growers' easy access to unauthorized migrants for their labor. According to Motley, Mexico's strategy to ban Texas from the program had achieved the result in which "Mexican laborers have flooded into the State of Texas by the tens of thousands to engage in agricultural employment in an illegal status and without the protection of work contracts."<sup>398</sup> He saw this could happen in Arizona, New Mexico, and Colorado as well. Workers were already gathering by the thousands in Ciudad Juárez, "1200 arrived in Juarez from the interior of Mexico

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<sup>396</sup> A.W. Motley to Robert E. Wilson, September 3, 1948; Mexican File 1948, July 1-Dec. 31; United States Employment Service, Farm Labor Committee Reports 1946-1954; RG 183, NARA II.

<sup>397</sup> Ibid, 1.

<sup>398</sup> Ibid, 2.

by Mexican National Railway last Saturday, and 1000, 800, and 300, on three successive days” in anticipation of the upcoming harvest, he noted.<sup>399</sup>

In the face of Mexican resistance to opening new recruitment centers, Motley advised Robert Wilson to pursue an aggressive strategy for the unilateral legalization of Mexican workers, one that would have significantly altered the balance of power of the two countries at the border. He felt the United States should be prepared to countermand the bi-national agreement and admit Mexican workers as they tried to enter the country, and also to temporarily adjust the status of workers already in the United States illegally.<sup>400</sup>

This would at least serve to place needed Mexican agricultural workers in a legal status, which is the only reasonable alternative we can suggest to the continuous process of the Border Patrol apprehending thousands of such workers and sending them back to Mexico only to have them almost immediately return to the United States unlawfully.<sup>401</sup>

Motley’s suggestion resembled several bills in the U.S. Congress throughout the 1940s and 1950s. Mexican officials responded very forcefully to such proposals in Congress, however, because they realized a passage of such legislation would further erode their power to negotiate modifications in the bi-national agreement by threatening to withhold workers. If the U.S. government took such measures, it would have the unilateral right to re-create Mexican workers’ legal identities without reference whatsoever to the Mexican government’s sovereign power in issuing or denying

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<sup>399</sup> Ibid.

<sup>400</sup> Ibid.

<sup>401</sup> Ibid, pg. 3.

passports or other permissions to leave the country. This would have represented a serious breach of diplomatic norms between the two countries.<sup>402</sup>

Motley requested that the State Department forward the letter to the Mexican Embassy, and also assured Wilson that the INS was in complete agreement with his recommendations.<sup>403</sup> INS officials' support for Motley at the USES demonstrates that the two agencies were in close communication, sharing ideas about which strategies were best employed at the border. Everyone involved in negotiating the Bracero Program was well aware of the importance of the INS to the administration of the program. Strong enforcement of immigration laws supported the Mexican government's positions within the program while lax enforcement weakened Mexico's negotiating ability.

Officials in the State Department passed a copy of the letter along to the Mexican Embassy in Washington, D.C. along with a note that appeared to express support for Mr. Motley's propositions. The State Department's apparent willingness to consider the USES proposal was notable because the agency was usually quick to guard good relations with Mexico and recognize Mexican rights to protect their sovereignty. Paul Reveley, head of the Division of Mexican Affairs at the State Department, passed along the letter, he said, "on an informal basis," but indicated that the State Department was directing the American Embassy in Mexico City to propose to the Mexican Intersecretarial Commission to "reconsider its recent decision not to permit recruiting at Chihuahua."<sup>404</sup> Reveley reiterated much of the substance of Motley's message, warning

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<sup>402</sup> Torpey argues that many of the sovereignty rights observed by nations vis-à-vis one another were based in the recognition of documentary materials allowing or disallowing travel into and out of those countries. Torpey, *Invention of the Passport*.

<sup>403</sup> Motley to Wilson, 3.

<sup>404</sup> Paul J. Reveley, head of the Division of Mexican Affairs, State Department to Rafael de la Colina, Chargé d'Affaires, ad interim, Mexican Embassy, Washington, D.C., September 4, 1948; Box 1452, File 8, Archivo de la Secretaría de Relaciones Exteriores (ASRE), Mexico City, D.F.

that if the Mexican government failed to open a center in Chihuahua, “it will be impossible to prevent their entry as wetbacks, and in such a capacity their earnings approximate only about one-third the amount they would have received had they been legally recruited.”<sup>405</sup> Reveley intimated that the Border Patrol would be unable to curb the unauthorized migration of Mexican workers once harvesting season was in full swing.

The U.S.’s opening volley set off a flurry of communication between Mexico City and the Mexican Embassy in Washington D.C. as Mexican officials considered how to respond to the United States. The Mexicans were most concerned about Motley’s threat to allow Mexican workers into the United States even without legal contracts if the Mexican government did not follow through with its plans to open up a recruitment center in Chihuahua. In his letter to the Mexican Embassy in Washington D.C., Manuel Tello, the head of the SRE, wanted the Mexican Charge’ d’ Affaires, Rafael de la Colina to remind Reveley that the Basic Agreement stipulated Mexico’s right to choose, “at liberty,” the locations for contracting centers.<sup>406</sup> Tello wanted to remind the Americans that the Mexican government had already once conceded to U.S. pressures to move centers closer to the border, despite their initial resolution not to do so under any circumstances.<sup>407</sup> He pointed out that officials were still planning to open a recruitment center in Chihuahua; they were merely postponing it until after the cotton crops in the state of Chihuahua were completely harvested.<sup>408</sup> Tello wanted de la Colina to

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<sup>405</sup> Ibid.

<sup>406</sup> Manuel Tello to Rafael de la Colina, September, 10, 1948, no. 31610, C/662; Box 1452, File 8, ASRE.

<sup>407</sup> Ibid.

<sup>408</sup> Ibid. As timing was of the utmost importance, postponing the opening of a recruitment center until after the end of cotton harvest season in Chihuahua would negatively affect U.S. growers, who would be well into, or past, their own harvesting seasons. The Mexican government’s argument in this instance recalls the kinds of arguments state officials in Texas made to justify the measures they took to stop the migration of Mexican American migrant farmworkers from its borders to other agricultural regions in the U.S. For more about this, see chapter four of this

communicate to Reveley that the Mexican government was acting simply “in legitimate defense of its economic interests” in this temporary postponement and in no way justified the U.S.’s threat to use this matter to refuse to comply with the articles of the Agreement.<sup>409</sup>

Accusing Motley of acting in a manner “contrary to the friendly spirit of those Agreements,” Tello wished to make Motley aware of the inappropriateness of proposing such unilateral action on the part of the United States. “In the event that one party wishes to extricate itself from the obligations place by the Agreement, it is imperative that this intention should be previously announced in the manner stipulated by the Agreement, at which time, then, we express our complete acquiescence.”<sup>410</sup> Until that time, however, he wished to assure the U.S. of the Mexican government’s complete cooperation to alleviate the problem of unauthorized migration to which Motley referred, by alerting Mexican civil and military authorities at the border to use all the means at their disposal to prevent the workers without contracts from departing Mexico.<sup>411</sup> He acidly hoped that the United States Immigration Service would also use all their appropriate authority to keep the integrity of the Agreement intact.<sup>412</sup>

The Mexican government followed up this correspondence by sending a high-level official from the SRE to Washington, D.C. to meet with officials from the U. S. Alfonso Guerra, First Undersecretary of the SRE was already in the U. S. making a tour

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dissertation. The difference between two cases, is that the Mexican nation state had the legal authority to manage its citizens’ emigration, while the state of Texas did not have the authority to inhibit its citizens’ migrations.

<sup>409</sup> Ibid.

<sup>410</sup> Ibid.

<sup>411</sup> Ibid.

<sup>412</sup> Ibid.

of Texas, Louisiana, and Mississippi.<sup>413</sup> The most contentious issue in the meeting centered on the ability of the United States Immigration Service to effectively control illegal immigration and its obligations to do so. Guerra stressed the urgent need for the INS to “adopt the necessary measures to reduce the clandestine entrance of Mexican workers,” noting that in the absence of “strict vigilance,” the Bracero Agreement would be a futile exercise.<sup>414</sup> American officials pointed out that the INS lacked the sufficient number of Border Patrol officers to effectively stop the entrance of thousands of Mexican workers who daily crossed the border through back channels and paths, often with the help of smugglers.<sup>415</sup> Kelly, of the INS, perhaps unwilling to accept the image of the complete ineptitude of his force, indicated that small recent increases in the Border Patrol force, by relocating officers from other posts, had correspondingly increased the number of deportations at the southern border. He hoped, furthermore, that their request for more appropriations in Congress would be granted and result in a much more effective Border Patrol. Kelly also intimated that the problem with unauthorized migration from Mexico lay less with the U.S. Border Patrol, and perhaps more with Mexican migration authorities, who he claimed, did not sufficiently concern themselves with Mexican workers illegally emigrating from Mexico.<sup>416</sup>

Representatives from U.S. agencies reiterated their request that the Mexican government open a recruitment center in the state of Chihuahua to hire at least two thousand workers for a period of forty-five days. Mexican officials repeated their

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<sup>413</sup> Rafael de la Colina to C. Secretario de Relaciones Exteriores, Oct. 7, 1948; Box 1452, File 8, ASRE. For more information about the increased influence of Mexican consulates in the South during the late 1940s, see Julie Weise, “Fighting for their Place: Mexicans and Mexican Americans in the U.S. South, 1910-2008,” (Ph.D. diss., Yale University, 2009).

<sup>414</sup> Ibid.

<sup>415</sup> Ibid.

<sup>416</sup> Ibid.

determination to retain control over the placing of recruitment centers.<sup>417</sup> Though no official agreement emerged from that specific meeting, the Mexican government agreed to temporarily open a bracero recruitment center in Ciudad Juárez, Chihuahua, soon afterward.

### NARRATING MEXICAN MIGRATION

The annual concentration of Mexican workers at the border city of Juárez, planning to cross into the U.S. for the cotton season, whom U.S. officials invoked in their negotiations with the Mexican government, also generated comment in the local El Paso media. The popular discourse about Mexican migrants narrated in El Paso newspapers employed images of animals to describe the seasonal migration of Mexican agricultural workers. Though seemingly unconnected to the U.S. government's political maneuvering regarding Mexican migration, this discourse was connected to U.S. politics in several ways. First, many of the narratives were perpetuated by state actors, such as INS officials interviewed by the press. Second, the discourses helped prop up the U.S. government's position by the work that they did to define Mexican migration. By employing imagery of animal migrations when reporting about Mexican migrants, the discourses communicated two ideas. One, it constructed the migration as part of the natural environment, rendering it harmless. Second, if like animal migrations, Mexican migration was natural, then it was also inevitable. Therefore, despite the Border Patrol's best efforts, it was difficult to stop a "natural" and "inevitable" migration. The depiction of the migration of thousands of Mexicans crossing the border illegally every year as natural, unthreatening, and

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<sup>417</sup> Ibid.

unrelenting was surprising within a Cold War context increasingly concerned with fears of political infiltration of the nation.

Newspaper coverage in El Paso noted an increase in the numbers of Mexican workers crossing into the El Paso region from Mexico throughout the month of September, framing the migration as part of the natural order of the seasonal calendar. One brief news article reported that during the weekend of September 4-6, the Border Patrol had “chalked up a catch of 596 wetbacks,” calling it a record for a weekend, also noting, “hundreds of other laborers are flocking to Juarez daily from the interior.”<sup>418</sup> Using language that evoked game hunting and fishing, Border Patrol apprehensions of undocumented immigrants were narrated as a kind of sport, thus symbolically reducing Mexican workers to animals. This imagery also served to downplay the Border Patrol’s own job, not imbuing the work with urgent national security functions, but a harmless game. In another story, Border Patrol Inspector Griffith McBee was quoted as saying, “This season’s aliens are just like grasshoppers, going from farm to farm with the hope of finding employment.”<sup>419</sup> Such imagery, which compared workers to migratory birds, swarms of locusts, or other insentient creatures, reduced Mexican workers to a force of nature and also tended to obscure the role that U.S. growers and the U.S. government played in facilitating such a movement.<sup>420</sup>

Some commentators went beyond the naturally occurring animal kingdom in search of metaphors to describe Mexican migrants, looking to the popular comic strip *Li'l*

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<sup>418</sup> “Wetback Catch Now Totals 565,” *El Paso Herald-Post*, September 7, 1948, 2.

<sup>419</sup> Walt Finley, “Sagging Economic Conditions Drive Mexican Workers to the U.S.” *El Paso Herald-Post*, September 9, 1948, 15.

<sup>420</sup> Other scholars have studied the essentialist imagery often used to describe Mexican migrant workers’ seasonal migration, in effect comparing them to animals, especially birds, in order to naturalize their movement. See Camille Guerin Gonzales, *Mexican Workers and American Dreams: Immigration, Repatriation, and California Farm Labor, 1900-1939* (New Brunswick: Rutgers University Press, 1994).

*Abner* for inspiration. Created by artist Al Capp, *Li'l Abner* depicted the Appalachian community of Dogpatch and its inhabitants. Inserted within a newspaper article in the *El Paso Herald-Post* on October 14, 1948, in the early days of the El Paso Incident the reporter relayed the following anecdote:

#### Wetbacks Now Called “Shmoos”

The word “shmoo” is now rivaling “wetback” as the U.S. Immigration Patrol’s unofficial name for illegally entered aliens.

Immigration men said they started calling the aliens “shmoos” because they are “docile, likeable creatures who don’t harm anybody and, though they can’t be cooked for chicken, they just want to produce something to eat or wear.”<sup>421</sup>

Introduced in *Li'l Abner* on August 20, 1948, the shmoo was a small animal, shaped like a bowling pin, and prominently featured in that comic strip until December 22, 1948.<sup>422</sup> Shmoos had many amazing characteristics: they reproduced at astounding rates, thus being in unlimited supply; they could provide countless quantities of milk and eggs; they dropped dead at the first glance of anyone who looked their way hungrily, saving people the trouble and pain of having to kill them for meat. Once dead, they could be fried, roasted, boiled, or fricasseed, tasting just like chicken, pork, steak, catfish, or any other much desired dish. Since shmoos ate nothing, they conveniently cost nothing in upkeep.<sup>423</sup>

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<sup>421</sup> “Mexican Laborers Get Jobs After Rush to El Paso,” *El Paso Herald-Post*, October 14, 1948, 1.

<sup>422</sup> Al Capp, with an introduction by Harlan Ellison, *The Short Life and Happy Times of the Shmoo* (Woodstock, NY: Overlook Press, 2002), xiv.

<sup>423</sup> *Ibid.*, 11.



Fig. 5.2. The character of Abner explains the many functions of shmoos. Detail from Al Capp, *The Short Life and Happy Times of the Shmoo*, with an introduction by Harlan Ellison (Woodstock, NY: Overlook Press, 2002), 20.

For a short time shmoos helped lift the residents of Dogpatch out of poverty, providing for all of their needs and allowing them to disconnect from the American system of capitalism. *Li'l Abner* was one of the most popular comic strips of its day, printed in about nine hundred newspapers at its height, and the shmoo characters quickly caught on nationally, inspiring dozens of shmoo-related merchandizing items.<sup>424</sup>

Though clearly not making the same critique of capitalism as the comic strip's creator, the Border Patrol agent quoted for the news article was certainly tapping into several of that era's powerful discourses through his association of shmoos and Mexicans. First, by referring to Mexican undocumented migrants as "docile" and "likeable" he was participating in a long and durable process of stereotyping Mexicans as

<sup>424</sup> Ibid., xiv; and Tim Appelo, "Li'l Abner Draws to a Close," *Entertainment Weekly*, Iss. 248 (11/11/94), 96.

the ideal stoop laborers. Since the time the National Origins Act was debated in the early 1920s, Southwestern growers advocating for excluding Mexicans from quota restrictions employed arguments emphasizing Mexicans' (and Asians) unique fitness for agricultural labor.<sup>425</sup> Second, by saying they "don't harm anybody," the Border Patrol agent was also attempting to disaggregate Mexican migration from the kinds of migrations and movements the United States perceived to be harmful or subversive, keeping it separate from politics, and in the natural realm. Third, by emphasizing Mexicans' productive capacity in wanting only to make something to eat or wear he was drawing the most direct comparisons to shmoos: what shmoos produced by their very bodies Mexicans produced through their labor. By making the comparison, however, the Border Patrol agent reduced the distance between the two, placing them on the same plane. His joking expression of faux-dismay that Mexicans could not be "cooked for chicken" was also intended to reinforce the notion that Mexicans were like animals. Finally, shmoos were animal-like in that they never spoke, but unlike the migrations of wild animals (described earlier), moving of their own accord without reference to people at all, shmoos were domesticated, seemingly living only to be of use and to serve.

The discourse comparing the movement of Mexican workers to seasonal migration was a very specific process of racialization, as well as justification for their own policies. This narrative negated the individual actions that went into each migrant's decision to make a move. The mass quality of the migration was emphasized, described as being an unthinking process by instinct-driven beings. This discourse also downplayed the politics of the state influencing that migration. It justified the approach taken by different federal agencies, such as the Border Patrol, that allowed for this illegal

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<sup>425</sup> See David Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995), 46-56.

migration even though, in theory, the process of illegal entry into the country had theoretical potential to destabilize the authority of the state.

## PRESIDENT TRUMAN VISITS EL PASO

President Truman's visit to El Paso as part of a whistle-stop tour of the western states during his bitterly fought campaign against Thomas Dewey added to the complicated whirl of politics in the El Paso-Juarez region in late September. Truman delivered a campaign speech on September 25 at El Paso's train station before a crowd of ten thousand.<sup>426</sup> Dewey and Truman were running particularly closely in the western states according to polls, and thus the west became a key battleground for the two candidates, as each chased the other through campaign events in the West.<sup>427</sup> As was customary, Democratic politicians holding statewide office accompanied the Democratic president as he traveled through their state. In Texas, Governor Beauford Jester and U.S. Representative Sam Rayburn formed part of Truman's entourage, as well as the U.S. Attorney General, Tom Clark.<sup>428</sup> It seems noteworthy that a member of Truman's cabinet would travel with the president while he campaigned, though Clark was a Texan. As Attorney General and head of the Justice Department, the Immigration and Naturalization Service fell within his administrative purview. During the fall of 1948,

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<sup>426</sup> Marshall Hail, "El Pasoans Give Truman Warm Welcome, Silver Spurs," *El Paso Herald-Post*, Sat. Sept. 25, 1948, 1-2.

<sup>427</sup> "Truman, Dewey See Opinion Divided in Western Region," *El Paso Herald-Post*, Fri. Oct. 8, 1948, pg. 1. Center for American History, University of Texas at Austin.

<sup>428</sup> Marshall Hail, "El Pasoans Give Truman Warm Welcome, Silver Spurs," *El Paso Herald-Post*, Sat. Sept. 25, 1948, 1-2.

Truman was in the political fight of his life and would have greatly desired the support of the very-powerful agricultural interests in Texas and the West.<sup>429</sup>

After the events of the El Paso Incident broke open, investigative reporters from the *El Paso Herald-Post* uncovered a stronger connection between the President's visit to El Paso in late September and the dramatic events of mid-October. During the train ride from Deming, New Mexico to El Paso on the morning of September 25, Representative Ken Regan of Midland, Texas and Clinton P. Anderson, Senate candidate from New Mexico met with President Truman specifically to discuss the issue of acquiring Mexican laborers to work in the cotton fields of West Texas and New Mexico.<sup>430</sup> President Truman made no promises regarding the workers during the meeting, but while he was in El Paso he pledged to "see what he could do to 'ease' the situation."<sup>431</sup> When Attorney General Clark returned to Washington D.C. he immediately met with U.S. Immigration Service Commissioner Watson Miller to discuss the situation, in advance of Commissioner Miller's own trip to El Paso to attend a regional inter-agency conference regarding border issues held on the 29th and 30th of September.<sup>432</sup>

The conference held in the offices of the federal courthouse in El Paso brought together representatives from U. S. federal agencies to discuss issues and problems along the U.S.-Mexico border. The proceedings were not open to the public, but officials released general topics that were discussed to the press, which included reviewing and

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<sup>429</sup> President Truman's support was rather shaky throughout the campaign, especially in states like Texas. The Republican candidate for president, Thomas Dewey, received very positive press coverage in Texas, a traditional Democratic stronghold. Texas Governor Jester, a Democrat, was quoted in the press predicting Truman's defeat in November. "Jester Says Dewey Will Be Elected," *El Paso Herald-Post*, Thurs. October 7, 1948, 1.

<sup>430</sup> Marshall Hail, "Plan to Obtain Mexican Farm Workers Started on President's Train," *El Paso Herald-Post*, October 20, 1948, File 1, Box 1453, ASRE.

<sup>431</sup> Ibid.

<sup>432</sup> Ibid.

reconsidering “various regulations and policies affecting border crossings.”<sup>433</sup> One of the participants, Carl Strom, U.S. Consul at Mexico City, proposed that the United States waive the need for Mexicans traveling temporarily to the United States to hold passports when traveling to interior points in the U.S., and instead issue identification cards.<sup>434</sup> For Mexican officials already dubious of American motives based on Motley’s earlier propositions, the news coming from this conference must have deepened suspicions that the United States was trying to get around existing policies limiting Mexican migration. It seemed that U.S. agencies were considering ways to put Motley’s ideas into practice, to facilitate options for temporary migration outside the parameters of the bracero program.

The remarks Commissioner Watson Miller made a few days later would have only intensified Mexican concerns that the United States wished to undermine the bracero program. Congressman Ken Regan, who had previously met with President Truman on that train ride from Deming to El Paso, met with Commissioner Miller a few short days later to reiterate his request that the U.S. government do something to secure Mexican laborers for the West Texas cotton harvest.<sup>435</sup> After the meeting, Miller announced that he had received word from Washington that Mexico had decided to open a recruitment center in Ciudad Juárez to process two thousand braceros. Those two thousand braceros were slated to go to New Mexico, and fell far short of demands by growers in the region.<sup>436</sup> The Great Western Sugar Company alone wanted three thousand workers for

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<sup>433</sup> “Red Blockade At Border Discussed,” *El Paso Herald-Post*, Sept. 29, 1948, 1.

<sup>434</sup> Ibid. A border crossing card system already existed at the time that eschewed a passport for daily, temporary crossings from Mexico to the U.S. within a designated border zone. This allowed workers who lived in Mexican border towns and cities to work across the border and return home each night. Was Strom suggesting this system be extended beyond the border zone?

<sup>435</sup> “Mexico to Resume Recruiting Farm Labor in Juarez,” *El Paso Herald-Post*, Sat. Oct. 2, 1948, 1.

<sup>436</sup> Ibid.

their sugar beet fields in Northern Colorado and Wyoming.<sup>437</sup> Furthermore, under the dictates of the bracero program, none of the workers contracted would be sent to Texas, which was banned by Mexico from participating in the program during the fall harvest, 1948. That fact notwithstanding, Miller declared that the INS “will watch the situation in Pecos, Texas, where there is a great need for cotton pickers, and will do everything it can to avert an emergency.”<sup>438</sup> This was a bold statement from INS Commissioner Miller, although it remained unclear what he could possibly do for growers in this area. The El Paso Herald-Post surmised that “farmers conceivably might interpret the commissioner’s statement as a hint that immigration officers will not be too active in deporting wetbacks during the cotton picking season.”<sup>439</sup>

### THE UNRAVELING OF EVENTS AT JUÁREZ

Perhaps the combined efforts the Motley letter as well as the veiled threats emanating from the conference in El Paso convinced the Mexican government to reverse their previous decision regarding the recruitment of workers at Ciudad Juárez. On October 8th, another Mexican functionary arrived in Ciudad Juarez announcing the opening of a recruitment center in that city, this time from the Intersecretarial Commission, the Mexican federal agency with authority over the recruitment centers. Mr. Francisco Reyes Cortez, the official from the Intersecretarial Commission announced that on Monday, the 11th, he would be opening offices at the grounds of the old hippodrome, in order to begin processing braceros to work in the United States.<sup>440</sup> Reflecting the amount of confusion that prevailed in the entire undertaking, Reyes declared that two

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<sup>437</sup> “Laborers Seeking U.S. Jobs Storm Juarez Office,” *El Paso Herald-Post*, Mon. Oct. 11, 1948.

<sup>438</sup> “Mexico To Resume Recruiting Farm Labor,” *El Paso Herald-Post*, Sat. Oct. 2, 1948.

<sup>439</sup> *Ibid.*

<sup>440</sup> Raul Michel to SRE, October 15, 1948, File 1, Box 1453, File 1, ASRE.

thousand men would be contracted for work sites in Arkansas, Mississippi, and Louisiana.<sup>441</sup> These proposed destinations differed greatly from the expectations from growers in New Mexico, Arizona, and the mountain states of the West that they would be receiving the workers.

By Sunday, a large group of men began to gather in the grounds of the hippodrome, in expectation of the office's opening on Monday morning. In addition to men from the locality of Juárez, trainloads of workers from the surrounding areas in the state of Chihuahua and other points south in central and southern Mexico had been arriving daily since the news had been announced. The next day, representatives from the United States INS arrived at the site accompanied by Stephen Aguirre, the U.S. Consul at Ciudad Juárez. INS officials were set to begin identifying, processing, and documenting workers, a process that included officials from both countries. When the U.S. officials arrived at the hippodrome, however, they encountered six thousand restless men, who clamored the Americans for information about when the office would be ready to receive workers. The offices were not open and Reyes Cortez was nowhere to be found.<sup>442</sup>

The U.S. officials left the hippodrome, but asked Raul Michel to provide military protection for them, because they felt that the situation at the hippodrome was precarious.<sup>443</sup> Workers reportedly broke the doors of the offices under the grandstand of the old racetrack, where the offices were to be located.<sup>444</sup> Although Michel personally could not personally order law enforcement to the area since it was beyond his

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<sup>441</sup> "Informe," October 19, 1948, ASRE. This most certainly would have been a mistaken assumption by Reyes Cortez, or perhaps a misunderstanding by Michel who reported it to his superiors. Growers from Louisiana, Arkansas, and Mississippi would have applied to the Monterrey center for braceros since it was further east than Juárez, and thus, closer to their region.

<sup>442</sup> Raul Michel to SRE, October 15, 1948, File 1, Box 1453, ASRE.

<sup>443</sup> Ibid.

<sup>444</sup> Laborers Seeking U.S. Jobs Storm Juarez Office," *El Paso Herald-Post*, Mon. Oct. 11, 1948.

jurisdiction, someone did place such an order, because he noted that the Municipal Police had sent six officers to the scene. At once, the police ascertained that the job was too large for their force, and a force of military soldiers were sent to the site instead.<sup>445</sup>

Raul Michel crossed the border into Juárez and returned to the hippodrome the next morning to monitor any new developments, and to confirm the large numbers of workers that had been reported at the site.<sup>446</sup> He found the men still waiting. Many had been there for two days, but still the office remained closed. Negotiations broke down between the Intersecretarial Commission, and the USES over wage rates for prospective braceros. Reyes Cortez wanted workers to receive \$3.00 per hundred pounds of cotton for the first cotton picking, \$4.00 for the second picking, and \$5.00 for the third.<sup>447</sup>

In a reversal from the arguments the Mexican government had made that U.S. officials were trying to intervene on their outlined powers to decide bracero recruitment centers, U.S. officials now accused the Mexican government of going straying into U.S. authority. The USES angrily decried Reyes Cortez's negotiations, arguing that wage rates had already been set by United States officials, according to the stipulations of the Bracero Agreement. In other words, they asserted, Reyes Cortez of the Intersecretarial Commission had no authority to negotiate wage rates in any case.<sup>448</sup> These negotiations seemed to be held solely between the Intersecretarial Commission and the USES, since Michel charged that Reyes Cortez held himself aloof from other Mexican officials in the area, keeping them in the dark about the proceedings. In his several reports made to the SRE, Raul Michel often complained that in the course of the entire crisis, he never set

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<sup>445</sup> Raul Michel to SRE, October 15, 1948, File 1, Box 1453, ASRE.

<sup>446</sup> *Ibid.*

<sup>447</sup> Each cotton harvest goes through three pickings, with the first picking always yielding the most cotton, making the first picking the most lucrative for workers.

<sup>448</sup> The wage rate numbers are from Raul Michel's report, "Informe," October 19, 1948, ASRE.

eyes on Reyes Cortez, and never even exchanged words with him over the telephone. He remarked caustically, that Mr. Reyes Cortez through his continued absence from the grounds of the hippodrome was “becoming indeed a man of mystery.”<sup>449</sup>

The dispute over wages is important to consider in closer detail, because the issue bogged down the recruitment process, later triggering the El Paso Incident. The USES’ contention that the Intersecretarial Commission had no authority to set wages for braceros was entirely justified. According to the Bracero Agreement, the workers placed under contract would be paid the same wages normally paid for agricultural work in a particular region, a rate set by the market.<sup>450</sup> USES officials certified the wage rate, and it would form the basis for a worker’s Individual Contract. The Mexican government could not modify this wage rate, nor could the worker negotiate for higher wages. Any official from the Intersecretarial Commission, intimately knowledgeable about every point contained in the Bracero Agreement, would have been perfectly aware of this fact. Of course, as we have seen with the question of locating the bracero recruitment centers, each country often tried to encroach upon the other’s territory to influence the administration of the program. With his determination to renegotiate bracero’s wages before beginning the processing in Ciudad Juarez, Reyes Cortez may have been trying to take advantage of quickly maturing crops in the fields in need of workers to pick them to gain favorable concessions from the growers. USES officials certainly believed this to be the case as

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<sup>449</sup> Raul Michel to SRE, October 15, 1948.

<sup>450</sup> Although this process of using the prevailing wage was initiated to ensure that braceros did not displace domestic agricultural workers, a measure that the Mexican government insisted upon, scholars have been able to demonstrate how growers worked in collusion with each other and the United States Employment Service to set the prevailing wage at the rates they wished to pay, which often did displace domestic agricultural workers. See Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story; An Account of the Managed Migration of Mexican Farm Workers in California, 1942-1960* (Charlotte, NC: McNally and Loftin, 1964).

they accused the Intersecretarial Commission office of “holding a pistol at the American farmer’s head.”<sup>451</sup>

Curiously, the specific wage rates Reyes Cortez desired for bracero workers came nowhere close to prevailing wages in New Mexico, the presumed destination of the workers. Prevailing wages in New Mexico were two dollars per hundred pounds of cotton, regardless of the harvest cycle. Some accounts indicate that growers in New Mexico, Arizona, and Colorado may have been willing to pay two, two-fifty, and three dollars per cycle, but no more.<sup>452</sup> Wages in nearby El Paso were even lower, ranging from \$1.50 to \$2.00 per hundred pounds.<sup>453</sup> The wages that Mr. Reyes Cortez insisted upon, however, were based on the prevailing wages that Mexican braceros were receiving in Arkansas, Mississippi, Missouri, and Louisiana. USES officials pointed out that prevailing wages for agricultural work varied across the country, the wages in New Mexico and the mountain states were lower, and growers in these areas were not predisposed to pay the going rate of Arkansas, Mississippi, Missouri, and Louisiana. Mr. Cortez merely replied that he had been instructed by his superiors to secure these wages for the workers.<sup>454</sup>

While U.S. and Mexican officials were snarled in these negotiations, the workers continued to wait at the hippodrome to begin the process of contracting, under armed guard. Although military troops at the hippodrome may have imposed a modicum of order upon the men, they waited with increasing impatience for any sign that the

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<sup>451</sup> Marshall Hail, “Border Opened to Mexico Laborers; New U.S. Policy Lowers Bars to Admit Aliens,” *El Paso Herald-Post*, Sat. Oct. 16, 1948, 1.

<sup>452</sup> “Provisionalmente Se Pospone la Contratación de Braceros,” *El Fronterizo*, Oct. 15, 1948, File 1, Box 1453, ASRE.

<sup>453</sup> “Farmers Charge U.S. Officers Fix Cotton Wage,” *El Paso Herald-Post*, Wed. Sept. 22, 1948, 1.

<sup>454</sup> “Provisionalmente Se Pospone la Contratación de Braceros,” *El Fronterizo*, Oct. 15, 1948, File 1, Box 1453, ASRE.

processing would commence. Several days of waiting intensified their mounting frustration, until they exploded into action beginning on Wednesday evening. The workers began to move in large groups toward the river that divided Mexico and the United States. According to Michel, labor contractors hired by American growers who were becoming desperate to secure their labor instigated the move. One such labor contractor, Mr. Maddux, employed by the Great Western Sugar Company to acquire workers for their sugar beet fields in northern Colorado and Wyoming, hired out Juárez tour guides to direct workers to the river's edge, much to Michel's disgust.<sup>455</sup> In a scene that would be repeated night after night from Wednesday evening to Sunday morning, workers waited for a sign from employers gathered on the other side of the river, and once that sign was transmitted just after sundown, they began to cross in large numbers.<sup>456</sup>

Workers waded across the river or employed the two railroad bridges connecting Ciudad Juárez and El Paso. It is unclear at this point whether or not Border Patrolmen detained workers whom they witnessed crossing at these different points. Border Patrol officials claimed to have apprehended four hundred workers on the first evening and sent them back across the river to Juárez. One employer on the scene, however, noticed that Border Patrol officers were not interfering with employers as they loaded their vehicles with workers, even when the workers had obviously just crossed minutes before. "Some of the men were wet up to their waist, but the immigration did not bother them. Once the men get to our trucks, they were not bothered." And though Border Patrol officials attempted to downplay the numbers coming through, estimating only two hundred men

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<sup>455</sup> Ibid.

<sup>456</sup> "Mexican Laborers Get Jobs After Rush to El Paso," *El Paso Herald-Post*, Thurs. Oct. 14, 1948, 1.

successfully crossed on the first evening, observers witnessed employers zooming away in large trucks and trailers, completely packed with workers. Mr. Maddux, representing the Great Western Sugar Company loaded two passenger cars filled with workers en route to Denver on Wednesday night and Thursday morning.<sup>457</sup>

On Thursday morning, Michel demanded explanations from U.S. authorities regarding the surprising events of the evening before, to try and make sense of the seeming chaos. He first received a noncommittal answer from Immigration officials who assured him they were follow usual procedure by detaining, then deporting individuals whom their patrols encountered and were found to be in the United States unlawfully. Patently incredulous, Michel pressed for more. INS authorities said that the large number of workers who had crossed had been authorized to enter by the Texas State Employment Service. The next day, Michel tried to reach Will Rogers, an official from the United States Employment Service, by telephone, but was unsatisfied with what he called his “evasive answers.” He finally tracked Will Rogers down later that day in a restaurant in Juarez as he was dining with Stephen Aguirre, U.S. Consul in Ciudad Juarez, and M.R. Toole, INS officer in charge at the Santa Fe bridge crossing in El Paso, and had an official letter of protest hand delivered to him.<sup>458</sup>

The United States INS and the Texas State Employment Service (TSES) offered weak explanations of their actions to Mexican officials and the press. According to Immigration officials, the large numbers of workers crossing the border each day

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<sup>457</sup> Ibid. On the morning of the 15<sup>th</sup>, Raul Michel contacted the Mexican Consul in Denver, who confirmed that five hundred Mexican workers had already disembarked in Denver and been sent on forward to northern Colorado and Wyoming. They were expecting another group of 250 workers later that day. Michel asked the Consul to try to keep the workers from disembarking, but INS officials in Denver refused to act. Raul Michel to SRE, October 15, 1948. See also, Telegram from Suarez to INS Office, October 15, 1948, File 1, Box 1453, ASRE; and John Hamaker, INS Officer in Charge, Denver, CO to Santiago Suarez, Oct. 15, 1948, File 1, Box 1453, ASRE.

<sup>458</sup> Raul Michel to SRE, October 15, 1948.

between Wednesday night and the early hours of Sunday morning were authorized by the TSES. Because the TSES had certified the workers, the INS considered the workers of no proper concern for their agency, even though it was quite evident to all that the workers had not been authorized by the Mexican government to work in the United States as braceros.<sup>459</sup> Furthermore, the workers had also failed to take the steps the United States normally required from prospective migrants, such as applying for visas, paying the necessary taxes, and receiving the medical examinations that would have determined their eligibility to enter the United States under current laws. Although the INS had the power to waive such requirements for agricultural workers, they did not point to this authority in public, but instead gestured to the authority of the TSES over this issue.<sup>460</sup>

Officials from the TSES claimed that its agency did not inquire into a person's immigration status before assigning them to employers requesting workers.<sup>461</sup> They were merely an agency connecting workers desirous of positions with employers needing workers. It was not their job to determine a worker's legal status, nor had they any way of making that determination, they asserted. In this way they tried to drape a very thin layer of legality over their actions to somehow discount the fact that officials from the TSES

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<sup>459</sup> "Mexican Laborers Get Jobs After Rush to El Paso," *El Paso Herald-Post*, Thurs. October 14, 1948, 1.

<sup>460</sup> According to the Act of April 29, 1943, governing the Admission of Certain Agricultural Workers Born in North, Central, and South America, workers "desiring to perform agricultural labor in the United States...shall be exempt from the payment of head tax required by section 2 of the Immigration Act of February 5, 1917, and from other admission charges." The authority over these exceptions, however, was given to the "Commissioner of Immigration and Naturalization, with the approval of the Attorney General." Department of Justice, Immigration and Naturalization Service, *Laws Applicable to Immigration and Nationality: Embracing Statutes of a Permanent Character, and Treaties, Proclamations, Executive Orders, and Reorganization Plans Affecting the Immigration and Naturalization Service* (Washington, DC: GPO, 1953), 523. Also, the law required that these workers be issued identification cards but according to Raul Michel's reports, employers were loading workers immediately into vehicles upon their crossing and promised to send lists with names and relevant information to the INS at a later date.

<sup>461</sup> "Mexican Laborers Get Jobs After Rush to El Paso," *El Paso Herald-Post*, Thurs. Oct. 14, 1948, 1.

were positioned at the very edge of the border, and could see the spectacle of hundreds and thousands of workers crossing the river with their own eyes. Their claim may have been technically correct. Once the workers were on Texas soil, the TSES could treat them as any other worker in their state, and post them to sites even in West Texas, regardless of the strictures placed by the Mexican government. The state authority of the TSES to direct workers to given employment locations could not have superseded the federal authority of the INS to detain undocumented immigrants, however. Thus, the INS was treading on even thinner ice than the TSES.

## CONCLUSION

While the diplomatic firestorm was just beginning on Saturday, October 16, and continued for several tense days of intra- and inter-government negotiations, the daily crossings of thousands at the Ciudad Juarez-El Paso border juncture had begun to abate. By early Sunday morning many of the crowds had thinned and Sunday night did not see a repeat of the preceding four days.

By opening a bracero recruitment center in Ciudad Juarez, however temporarily, the two governments created the conditions for the dramatic events of those four days in October 1948, a viscerally visual manifestation of the historically unequal relationships between the United States and Mexico. It was a compression, a collapse of those politics at the border, and the border would become a metonym for them. That process intensified over the course of the second half of the twentieth century, and has become the primary mode in which the U.S.-Mexico relationship is filtered today.

Traces of the events in the preceding week did not immediately disappear. Early Sunday morning, October 17, 1948 José Gurrola encountered the body of a man who lay

unconscious on the terrain underneath one of the railroad bridges located to one side of the International Bridge, at Santa Fe Street and Juárez Avenue in El Paso. An ambulance quickly transported the man to El Paso's county hospital for treatment for a broken leg and possible internal injuries. Police detectives set out to discover the man's identity, which was yet unknown, since he had no identifying documents upon his person. His pockets contained only a small amount of money in Mexican currency. Later in the day, however, the man awoke and identified himself as Macario Acosta, aged fifty-five, divorced with two young children, and lived in Ciudad Juárez. Hoping to find employment with one of the many growers inundating El Paso during the past week, Macario Acosta had attempted to traverse one of the railroad bridges in the dead of night. The poor visibility caused him to lose his footing on the tracks and he fell many feet to the ground below.<sup>462</sup>

Macario Acosta's experiences can be seen as a microcosm of the contested and uneven terrain of the United States-Mexico border. His accident, as well the entire episode of the El Paso Incident, palpably exemplify a space in which both the Mexican and United States governments were made concerted efforts to control the movement of people within and across the border region. By waiting until the small hours of the morning to make his move, Mr. Acosta perhaps hoped to avoid the patrols of the Mexican soldiers temporarily stationed along the river as well as the more permanent installations of U.S. INS Border Patrol on the other side. The situation in El Paso had devolved into chaos, much to the Mexican government's consternation. The Mexican government had instituted several restrictions upon workers seeking to receive contracts through the temporary processing office in Juárez, hoping perhaps to avoid disruptions in

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<sup>462</sup> "Lamentable Accidente Occurío Ayer a un Bracero Que Pretendió Cruzar" *El Continental*, October 19, 1948, File 1, Box 1453, ASRE.

local labor markets. Government officials prohibited workers from Ciudad Juárez and the state of Chihuahua to apply for contracts. In fact, Mexican soldiers stationed at the river could only legally apprehend men who were from the state of Chihuahua, and by that authority had returned over one thousand workers to the ex-hippodrome site at which they had been gathering.<sup>463</sup> Mr. Acosta might have been aware that his status as a resident of Ciudad Juarez would have given the military power to thwart his crossing—he might well have been one of the thousand returned to the hippodrome by the soldiers. Furthermore, although INS officers seemed to have been standing by while Mexican workers crossed the river before their very eyes, Mr. Acosta could not have counted that these novel procedures would remain in place indefinitely. In any case, although we do not know the reasons for Mr. Acosta to have chosen to cross as he did, there were significant impediments to Mr. Acosta crossing the border with the rest.

The very mode in which he attempted to cross is also quite suggestive. He climbed onto railroad tracks that spanned the Rio Grande, a connective infrastructure that had long been used to transport goods and people into each country. Though he did not use the structure in its authorized manner, it did facilitate his crossing in some way. He tried to walk across the uneven path shrouded by darkness, and he could not successfully navigate the way, but fell through the gaps between the tracks. Mr. Acosta's fall is a stark reminder that within the high-stakes world of diplomatic and political wrangling between the United States and Mexico for control over the border, individual workers were the ones who often risked the most.

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<sup>463</sup> Raul Michel to SRE, October 15, 1948.

## Conclusion

This dissertation provides a new paradigm for understanding Mexican immigration into the U.S. during the mid-twentieth century. Previous scholarship in immigration history has largely fallen into two categories. The first and more longstanding body of scholarship has focused on European immigrants and emphasized the U.S.'s open approach to immigration in the pre-1920s era of quota restrictions. These studies have narrated many of the struggles immigrants faced in U.S. society to realize the promise afforded by open U.S. immigration laws. Challenging this emphasis on assimilation despite restrictions, a more recent body of scholarship, much of which has placed Chinese immigration in the foreground, has analyzed the rise of restriction laws and argued that the history of U.S. immigration in the U.S. has been one of restriction on racial grounds, rather than openness.

The history of Mexican immigration does not easily fit into either paradigm. Mexicans were not restricted as were Chinese, nor were they expected to assimilate, as were European immigrants. Rather, Mexican immigration has been characterized by temporary, insecure and conditional access to the U.S., Given the importance of Mexican immigration during the twentieth century we need to develop an analysis that can account for the circularity of migrants' experiences. That circularity was established through enforcement practices on the ground that were later encoded into law.

As this dissertation has shown, the complex historical management of Mexican immigration to the U.S during the twentieth century has been characterized by several unique features. First, U.S. approaches to Mexican migration were simultaneously restrictive and expansive. Second, immigration policy was and has been part of a

historical process of nation-making. Third, the U.S. government did not solely shape immigration policy; the Mexican government also played a key, albeit unequal, role. Fourth, the significant intersection between immigration law and immigration enforcement did not occur just in Washington, D.C., and Mexico City, but on the local level, as growers, local Border Patrol officers, and workers negotiated day-to-day enforcement. Fifth, agricultural labor relations, and more specifically, the management of Mexican workers' mobility, which included growers and the state, were central to the politics of immigration during the mid-twentieth century.

These conclusions emanate from a methodological approach to Mexican immigration which links the intimate social space of border agriculture with national immigration laws and the bi-national bracero program.

The study has therefore brought several different kinds of sources into communication with each other. National government archives in Mexico City and Washington, D.C. have provided key information about the centrality of Mexican workers' migrations to diplomatic relations between the two countries. The National Archives in Washington, especially the records of the Immigration and Naturalization Service also have provided valuable information about the complex interactions and sustained engagement with local grower communities on the border. Growers' collections in South Texas have provided significant insight into larger conversations growers were having with each other in the Valley, as well as with growers in El Paso. Growers in South Texas and El Paso communicated with each other regarding Border Patrol activities in their areas, in this way monitoring (and trying to address) any changes they saw in enforcement. This correspondence contained information about the daily social relations between growers and workers, but the richest source material proved to be Carrol Norquest's published and unpublished stories about grower-worker relationships

in South Texas. Though Norquest intended the stories to open up the world of undocumented Mexican migrant workers, they reveal much more about Norquest's construction of himself in relation to his workers. Oral histories with members of the extended family that labored on his farm have been crucial to further understandings of how the laborers themselves understood the process of their migrations.

Though Mexican migrants found they could enter the U.S., their presence was often conditional, temporary, and insecure. Even as immigration laws became increasingly restrictive as the twentieth century wore on, growers in the U.S. Southwest wanted continued access to Mexican agricultural workers. In response to these seemingly contradictory realities, the INS established flexible methods of enforcement that allowed for the seasonal migrations of Mexican workers across the U.S.-Mexico border. Some of the flexibility took the form of collusion in enforcement at the local level due to deep and diffuse social ties between Border Patrol officers and the local power base. Beyond such local ties, however, the INS's extensive use of the deportation mechanism of voluntary departure facilitated the movement of undocumented migrants within an overall system of immigration restriction. In other words, the U.S. government did not significantly expand access for Mexicans' legal permanent migration, but tried to manage illicit migration through a flexible form of deportation that assumed migrants' eventual return to the U.S. In using such tools, the INS regulated high volumes of undocumented migration because of growers' labor demands. Furthermore, through the endless repetitions of voluntary departure, the INS helped create the transnational circuit for Mexican agricultural workers' migrations. Rather than thinking about the contradictions between laws and enforcement as failures in effective enforcement, this work considers the implications of those contradictions as a system that created its own meanings about race, citizenship, and mobility.

While many histories have pointed out both aspects regarding U.S. attitudes to Mexican immigration, they have tended to narrate them as decade long waves, expansive during the 1920s, and restrictive during the 1930s, for example. This study has argued that U.S. policies toward Mexican migration were simultaneously restrictive and expansive, not just restrictive during crises and open during periods of prosperity. This duality was built into the everyday nature of immigration enforcement.

Immigration laws and their enforcement were crucial factors of state formation at the border. This dissertation has examined the ways in which the United States and Mexico struggled against each other to exert control over Mexican workers' migration. That struggle was the central factor in defining state formation at the U.S.-Mexico border during the twentieth century. An examination of the El Paso Incident reveals that the bracero program, undertaken by both governments to regulate the agricultural labor market in the U.S. Southwest and introduce some protections for workers was more about conflict than cooperation. In theory, the bracero program recognized the other's sovereign right to maintain borders, and determine who could legitimately belong within those borders. The logic of the bracero agreement also recognized the rights of both nations to monopolize the legitimate movement of its citizens. Such recognition of boundaries and state sovereign power, clearly delineated, and stamped with official signatures and professions of friendship clashed with Southwestern growers' labor demands and the maintenance of agricultural labor systems based on the seasonal migration of undocumented workers. That clash represented the larger struggle to control Mexican workers' mobility.

Rather than thinking about these struggles occurring between two completely sovereign and separate states, the El Paso Incident demonstrated the complex interconnections of state power at the border. For example, when Mexican officials faced

difficulties in wage negotiations for workers gathered in Ciudad Juárez in October 1848, they knew that they had to control the workers' movements through the legal channel of the bracero program for their negotiations to succeed. The Mexican government wanted to legalize workers' migrations, partly for workers' benefit, but also to maintain its authority over its citizens. It became apparent, however, that the Mexican government had to rely on the U.S. immigration authorities to fulfill their duty to apprehend migrants crossing the border illegally. The INS failed to do this largely because the growers demanded additional workers. This is one example of the central importance of migration politics and policies to state formation.

While their power at the border was unequal, both the U.S. and Mexican governments played a role in shaping the contours of Mexican migration. The 1940s and early 1950s is an especially important time period to examine the politics of Mexican migration because of the large-scale dual migration by braceros, who crossed the border with the sanction of both countries, and the equally significant migration of undocumented workers. In a sense, both legal and illegal migrations were part of the same phenomenon in that labor flows mainly served the U.S. agricultural industry. Furthermore, both migrations represented the consequences of the U.S. and Mexican governments' attempts to keep workers in positions as temporary sojourners in the U.S. U.S. immigration laws continued to restrict legal immigration, while immigration enforcement allowed for a more flexible border. The Mexican government sought to legalize the migration of its citizens to the U.S. in order to keep migrants within the government's sphere of authority and also to secure better wages and conditions for agricultural workers. Mexican officials were not interested in having large numbers of Mexican citizens settle permanently in the U.S., and thus the bracero program

represented an avenue for the legalization of Mexican emigrants as well as their return after the end of the agricultural season.

Immigration policy was negotiated as much on the ground in daily social interactions between growers, Border Patrol officers, and workers, as it was decided in the national seats of power in Washington, D.C. and Mexico City. Growers fancied themselves to be in opposition to Border Patrol officers' enforcement strategies. However, they relied on the agency's strategy of patrolling highways, transportation centers, and public spaces for undocumented migrants, but being much more circumspect with growers' farms and domiciles. These policies intensified migrants' vulnerability, especially during travel or transit, and created a context of conditional immobility within a geographical border zone. Exploiting this space, growers regarded themselves as the protectors of undocumented workers, and defined their relations with workers in familial terms.

This study sheds new light on agricultural labor relations into central focus, using the history of immigration law and immigration law enforcement to further understand the nature of race and citizenship as constraints that workers challenged and negotiated. Placing the lens of inquiry on the intersections between the mobility of workers, state formation, and agricultural relations allows us to see the significance in the contradictions between immigration law and law enforcement practices on the border, and its effect on Mexican agricultural workers.

Building on recent efforts that have explored the junctures between agricultural systems in the South and Southwest, this dissertation further contributes to the field of agricultural labor history. Agricultural regions in Texas underwent significant transformations during the first half of the twentieth century, shifting from farm tenancy to seasonal waged labor. Since works about agriculture in California have dominated the

historiography on Mexican agricultural labor, the prevailing narrative described the giant agricultural operations, what Carey McWilliams famously named the “factories in the field.” McWilliams and others saw this system as characteristic of the Mexican experience in agriculture. Other scholars have located the racialization of Mexican agricultural workers as rootless, wandering, and instinctively migratory in these impersonal relations.

Instead of depicting worker-grower relations in these impersonal terms, this study shows that even within the context of seasonal waged labor, growers in South Texas exploited workers’ conditional immobility to enact racialized relationships defined in familial terms. In using paternalistic, domestic language to describe relations with Mexican agricultural workers, growers invoked racialized cultural thinking about workers, much like with plantation slavery in the antebellum South, and farm tenancy during the second half of the nineteenth century and early twentieth century. This racial discourse existed *in addition* to the discourses of Mexicans as great flocks of migratory birds, with all the impersonality this definition intended. Thus, agriculture in Texas during the mid-twentieth century connected the South with the West, and the nineteenth and twentieth centuries.

Even before growers from the Midwest arrived in South Texas, they consumed images of docile and contented Mexicans in the promotional brochures selling the Valley as an agricultural paradise. These images erased the history of the border as a contested space and as a place that Mexicans had previously inhabited.

Analyzing the simultaneous legal and illegal migrations of Mexican workers as part of a larger whole has shown the ways that both governments, through forced removal and/or temporary legalization, shaped the movement of Mexican workers during the mid-twentieth century into circular patterns of migration. Sociologists and anthropologists

have studied the circular nature of Mexican migration in the contemporary period. This dissertation has also focused on the circularity of immigration; however, it has considered the construction of circularity from a historical perspective, showing the state's role in creating these patterns. By articulating the ways in which the state has contributed to their making, this history thus challenges scholarship that has mainly attributed Mexicans' circular migration to workers' own preferences and intentions.

Studies emphasizing migrants' own decisions to reject permanent residence and citizenship in the U.S. as acts of resistance to hegemonic notions of assimilation offer an important critique of the politics of immigration. However, to view such actions in a purely celebratory way effaces the painful violence of forced movement. That violence has been accompanied with racist views of Mexican workers' circular migrations as animalistic and instinctual, thereby masking the role of the state in forming such patterns. In masking the state's role, such naturalizing rhetoric makes the idea of circularity a neutral one, erasing the violent, jagged process of deportation through mechanisms such as voluntary departure. Attributing these patterns primarily to migrants' choices and decisions has allowed critics to depict Mexicans as unable to assimilate into U.S. society and accused them of being excessively attached to their own culture. Thus the burden of the politics of immigration and the border, during the twentieth century and into the twenty-first century, has been forced wholly onto immigrants' shoulders, forcing them to carry all its contradictions.

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